

# IMMANUEL KANT'S PERPETUAL PEACE AND ITS CONTEMPORARY RELEVANCE

*Dissertation submitted to Jawaharlal Nehru University  
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MASTER OF PHILOSOPHY*

POORAN CHANDRA PANDE

DISARMAMENT STUDIES DIVISION  
CENTRE FOR INTERNATIONAL POLITICS  
ORGANISATION AND DISARMAMENT  
SCHOOL OF INTERNATIONAL STUDIES  
JAWAHARLAL NEHRU UNIVERSITY

NEW DELHI-110067

INDIA

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*Immanuel Kant*  
1724-1804



जवाहरलाल नेहरू विश्वविद्यालय  
JAWAHARLAL NEHRU UNIVERSITY  
NEW DELHI - 110067

SCHOOL OF INTERNATIONAL STUDIES  
CENTRE FOR INTERNATIONAL POLTIICS,  
ORGANIZATION AND DISARMAMENT  
DISARMAMENT STUDIES DIVISION.

C E R T I F I C A T E

Certified that this dissertation entitled "IMMANUEL KANT'S PERPETUAL PEACE AND ITS CONTEMPORARY RELEVANCE", submitted by Mr. POORAN CHANDRA PANDE in partial fulfilment of the requirements for the award of the degree of MASTER OF PHILOSOPHY of this University, ;has not been previously submitted for any degree of this or any other University. This is his own work.

We recommend this dissertation be placed before the examiners for evaluation.

PROF. M. ZUBERI  
Supervisor

DR. K.S. JAWATKAR  
Dr. K.S. Jawatkar  
Chairman  
Centre for International Politics  
Organization and Disarmament  
School of International Studies  
Jawaharlal Nehru University  
New Delhi-110 067

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The views expressed, facts stated herein and short comings, if any, how-ever are my responsibility.

A handwritten signature in cursive script, appearing to read 'Pooran Chandra Pande'.

POORAN CHANDRA PANDE.

## **PREFACE**

The revolutionary Project "PERPETUAL PEACE", was offered by Immanuel Kant, in form a political essay, in 1795 to the entire European Community reeling under feudal system and passing through a critical phase of conflict - both internal and external during the eighteenth century. This project on peace was very much valid during that period as it carried glimmers of hope for conflict ravaged European region.

The proposals on bringing about a permanent cessation of hostilities were expressed in "PERPETUAL PEACE" which did not find temporary truce between wars as a satisfactory method of the settlement of deadlock. It looked further and stressed that war is an evil as it rains destruction, inflicts heavy casualties and forces nations to take up odd responsibilities at a time when they are not strong enough to bear them.

Kant advocated the principles of classical liberalism and forced people to wake up to the changed realities of their time. Kant pleaded the case of republican government and federation of nations to help bring about perpetual international peace: a point where morals coincide politics. He opined with the growth of culture may emerge a greater moral pressure for peace.

The present study is a first attempt in the field of "Immanuel Kant's Perpetual Peace and its Contemporary Relevance". Topic covers wide area of research from history, political science and philosophy. The present study is a humble effort to enliven a classical treatise



of eighteenth century with strategic flavour.

Introductory chapter deals with the general background of the topic. It also touches Kant's life and philosophy and his views on politics and peace.

First chapter "A Brief History of Germany during Eighteenth Century" deals with the historical background of "Perpetual Peace". It, however, also draws attention of Kantian contribution to the Prussian Reform Movement.

Second Chapter "Perpetual Peace", being the central theme, covers the gradual evolution of the idea of perpetual peace and its reaching down to Immanuel Kant from classical times. This chapter intertwines the idea of war with the evolution of peace.

Third Chapter "Legacy of Immanuel Kant" projects the central theme of political writings of Kant; which includes his views on ideal state, league of nations and perpetual peace.

"The Contemporary Relevance of Perpetual Peace" dominates the summary and conclusion. However, extra emphasis is highlighted on its practical application to conflict-management and establishment of peace in the contemporary world today.

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**CHRONOLOGY OF IMMANUEL  
KANT'S MAJOR PUBLICATIONS**

- 1783- Prolegomena to Any Future Metaphysics.
- 1784- Idea for a Universal History from a Cosmopolitan Point of View.
- 1784- An Answer to the Question: What is Enlightenment?
- 1785- Review of Herder's Ideas for a Philosophy of the History of Mankind.
- 1785- Groundwork of the Metaphysic of Morals.
- 1786- Speculative Beginning of Human History.
- 1786- Metaphysical Foundations of Natural Science.
- 1786- What Is Orientation in Thinking?
- 1787- Critique of Pure Reason, second edition.
- 1788- Critique of Practical Reason.
- 1788- On the Use of Teleological Principles in Philosophy.
- 1790- Critique of Judgement.
- 1793- Religion Within the Limits of Reason Alone.
- 1793- On the Proverb: That May Be True in Theory but Is of No Practical Use.
- 1793- Critique of Judgement, second edition.
- 1794- The End of All Things.
- 1795- Perpetual Peace.
- 1797- Metaphysics of Morals.
- 1797- On the Supposed Right to Tell Lies from Benevolent Motives.
- 1798- Anthropology from a Pragmatic Point of View.
- 1798- The Conflict of the Faculties (Part II is "An Old Question Raised Again : Is the Human Race Constantly Progressing?")
- 1800- Logic.
- 1803- Education (Pedagogy).

## **INTRODUCTION**

Immanuel Kant was one of the great political philosophers of Eighteenth Century in Germany. His entire life was spent under absolute hereditary monarchs who retained their thrones by means of conscripted armies as well as the mutually, advantageous support with power, wealth and privileges never shared by the peasants. Frederick II (Frederick the Great) ruled Prussia during most of Kant's adult life, from 1740 to 1786. Though Frederick in fact enjoyed despotic power, his official view of himself was as the "first servant of his people". Against the old despotisms he set the ideals already enunciated in John Lock's Second Treatise "On Civil Government" and proclaimed by the "French Revolution: Freedom and equality". Kant himself stressed the ideal of justice rather than that of fraternity, for fraternity tends to be based on emotional ties leading to partiality, whereas justice as fairness is impersonal in so far as it is based on reason alone. Kant emphasized that only a state that recognizes these ideals of reason will respect the dignity of every person within it.

Immanuel Kant wrote his most famous political essay, PERPETUAL, PEACE, published first in 1795, in relation to discussions regarding the possibility of "making the wars to cease". He was very much worried over nations, either actually at war or continually preparing for war. He looked at war not only as undesirable but as an evil, the eruption of which would finally devour human race once for

all. He wished peace at all costs. Like Stoics, he believed that moral reason "Voices its irresistible Veto: there should be no war". He wanted an unbroken peace and had faith in the state of nature and the growing commercial ties amongst the comity of nations to bring about an end to war through a suitably worked out mechanism of a federation of nations and which will, in turn, usher in an era of perpetual international peace.

The history of the human race, viewed as whole, Kant regards as the realisation of a hidden plan of nature to bring about a political constitution internally and externally perfect- the only condition under which the faculties of man can be fully developed. Kant thought that, to a certain extent, experience supports this theory. This conviction was not, however, a fruit of his experience of citizenship in Prussia, an absolute dynastic state, a military monarchy waging perpetual dynastic wars of the kind he most hotly condemned. Kant had no feeling of love to Prussia, and little of a citizen's patriotic pride, or even interest in its political achievements. This was partly because of his sympathy with republican doctrines: partly due to his love of justice and peculiar hatred of war, a hatred based, no doubt, not less on principle than on a close personal experience of the wretchedness it brings with it. It was not the socio-political condition in which he lived which fostered Kant's love of liberty and gave him inspiration, unless in



the sense in which mind reacts upon surrounding influences. Looking beyond Prussia to America, in whose struggle for Independence he took a keen interest, and looking to France where the old dynastic monarch had been succeeded by a republican state, Kant seemed to see signs of a coming democratisation of the old monarchical society of Europe. In this growing influence on the state of the mass of the people who had everything to lose in war and little to gain by victory, he saw the guarantee of a future perpetual peace. There was a growing consciousness that war, this costly means of settling a dispute, was not even a satisfactory method of settlement. Hazardous and destructive in its effect, it was also uncertain in its results. Victory was not always a gain; it no longer signified a land to be plundered, or a people to be sold to slavery. It brought fresh responsibilities to a nation, at a time, when it may not always be strong enough to bear them. But, above all, Kant saw, even at the end of the Eighteenth Century, the nations of Europe so closely bound together by commercial interests that a war-specially a maritime war where the scene of conflict cannot be to the same extent localised as on land-between any two of them could not but seriously affect the prosperity of the others. He clearly realised that the spirit of commerce was the strongest force in the service of the maintenance of peace, and that in it lay a guarantee of future union.

This scheme of a federation of the nations of the world, in accordance with principles which would put an end to war between them and insure perpetual international peace was the prime priority of Kant. The realisation of the perpetual peace, according to Kant, is the highest good- the ethical and political summum bonum, for here the aims of morality and politics coincide. History is working towards the consummation of this end. A moral obligation lies on man to survive to establish conditions which bring its realisation nearer. It is the duty of statesmen to form a feredative union as it was formerly the duty of individuals to enter the state.

#### IMMANUEL KANT'S LIFE -

Kant's life took place on two very different levels. To all appearances he lived the life of a quiet academician, avoiding even small changes in his routine. But this outer tranquillity was only the setting within which to do his inner, creative work, and there, above all else, Kant was a revolutionary philosophical polemicist, pitting his mind "against the great thinkers of the past, against his contemporaries, and against himself"<sup>1</sup>.

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1. Hans. Saner, Kant's Political Thought: Its Origins and Developments. Trans. E.B. Ashton, Chicago: University of Chicago Press, 1973; p.212

Kant was born in Königsberg, East Prussia (now Kaliningrad in the former Soviet Union), on April 22, 1724, the fourth of nine children of a harness maker. He lived in or near that city all his life, and died there on February 12, 1804. After attending the University of Königsberg, he acted as a private tutor for families living nearby until he was appointed an instructor at the university. There he taught an astonishing variety of courses, including mathematics, geography, anthropology, the natural sciences, metaphysics, logic, natural theology, ethics and pedagogy. In 1770 he was appointed professor of mathematics, and later professor of logic and metaphysics, a position that accurately reflected his academic interests.

Had he died before 1781, Kant would have been just another obscure Eighteen-Century German professor. But that year, when he was fifty seven, he published the first edition of his monumental Critique of Pure Reason, a work that would irrevocably change the future of Western philosophy. During the next seventeen years he continued to develop, elaborate, and defend his ideas in an impressive series of books and articles.

As his ideas spread through out Europe and England he became more and more deeply involved in philosophical controversies, but he continued to live an otherwise quiet academic life until his characteristic vigour began to fail and he was forced to give up lecturing. When he

retired in 1797, his presence at Konigsberg had transformed the small provincial University into an institution of widespread fame.

Throughout his adult life Kant, impressed his contemporaries as a person with a serene and cheerful heart. According to his biographer Cassirer, however, this cheerfulness "was not for Kant a direct gift of nature and fate, but..... was won instead by hard intellectual struggles". Kant was not naturally gregarious, but he learned to take pleasure in the company of others. He never married (apparently believing that marriage would threaten his freedom), but he cultivated many friends and often dined with them or had them and his students as guests in his home for meals and long conversations afterward. His mental acuity showed itself extremely well in urbane and stimulating conversations (and in his lectures).

His years of enforced pious exercises at a parochial school had taught Kant to mistrust the "soft" sentiments and their displays. Except for a brief attraction to the French style of dress as a young instructor, he lived simply and avoided all but the plainest pleasures. The emotions he respected were those that had been recommended by the ancient Stoics as reflecting and promoting a strong will and high principles. He continually confounded those who thought they knew him well enough to anticipate the direction his philosophy would take. The motto he borrowed from Bacon for the second edition of his Critique of Pure

Reason. "De nobis ipsis silemus" (About ourselves we are silent), reflects his reticence about himself.

In Kant's moral theory the dignity of persons and their right to respect is grounded in their freedom—their ability to subordinate their particular desires and inclinations to the universal law of morality. To live up to his freedom is the meaning of integrity, and so it is understandable that more than anything else Kant treasured intellectual and moral integrity, both in himself and in others. He is remembered by those who knew him as the best model of his own moral doctrines.

#### OUTLINE OF KANT'S PHILOSOPHY

Never has a system of thought so dominated an epoch as the philosophy of Immanuel Kant dominated the thought of the nineteenth century. Immanuel Kant (1724-1804) is regarded as one of the master thinkers of modern times. He had seen many ups and downs during his lifetime as he lived through the Seven Year's War (during part of which the Russians occupied East Prussia), the French Revolution, and the early part of Napoleon's career. He was educated in the Wolfian version of Leibniz's philosophy, but was led to abandon it by two influences: Rousseau and Hume, Hume, by his criticism of the concept of Causality, awakened him from his dogmatic slumbers. Hume, for Kant, was an adversary to be refuted, but the influence of Rousseau was more profound. Although he had been brought up as a pietist, he was a liberal both in

politics and in theology; he sympathized with the French Revolution until the Reign of Terror, and was a believer in democracy. His philosophy allowed an appeal to the heart against the cold dictates of theoretical reason, which might, with a little exaggeration, be regarded as a pedantic version of the Savoyard Vicar. His principle that every man is to be regarded as an end in himself is a form of the doctrine of the Rights Of Man; and his love of freedom is shown in his saying (about children as well as adults) that "there can be nothing more dreadful than that the actions of a man should be subject to the will of another".

Kant's early works are more concerned with science than with philosophy. The most important of his scientific writings is his General Natural History and Theory of the Heavens (1755), which anticipates La place's nebular hypothesis, and sets forth a possible origin of the solar system.

Kant's most important book is The Critique of Pure Reason (first edition, 1781; second edition 1787). The purpose of this book is to prove that, although none of our knowledge can transcend experience, it is, nevertheless, in part a priori and not inferred inductively from experience. The part of our knowledge which is a priori embraces, according to him, not only logic, but much that cannot be included in logic or deduced from it. He separates two distinctions which, in

Leibniz, are confounded. On the one hand there is the distinction between "analytic" and "synthetic" propositions; on the other hand, the distinction between "a priori" and "empirical" propositions.

An "analytic" proposition is one in which the predicate is part of the subject; for instance, "a tall man is a man", or "an equilateral triangle is a triangle". Such propositions follow from the law of contradiction. A "Synthetic" proposition is one that is not analytic. All the propositions that we know only through experience are synthetic. We cannot, by a mere analysis of concepts, discover such truths as "Tuesday was a wet day" or "Napoleon was a great general". But Kant, unlike Leibniz and all other previous philosophers, will not admit the converse, that all synthetic propositions are only known through experience.

An "empirical" proposition is one which we cannot know except by the help of sense perception, either our own or of someone else whose testimony we accept. The facts of history and geography are of this sort; so are the laws of science, whenever our knowledge of their truth depends on observational data. An "a priori" proposition, on the other hand, is one which, though it may be elicited by experience, is seen, when known, to have a basis other than experience. All the propositions of pure mathematics are a priori.

Hume had proved that the law of causality, is not analytic, and had inferred that we could not be certain of

its truth. Kant accepted the view that it is synthetic, but nevertheless maintained that arithmetic and geometry are synthetic, but are likewise a priori. He was thus led to formulate his problem in these terms:

**How are synthetic judgments a priori possible?**

The answer to this question, with its consequences, constitutes the main theme of the Critique of Pure Reason.

In the preface to the first edition he says: "I venture to assert that there is not a single metaphysical problem which has not been solved, or for the solution of which the key at least has not been supplied." In the preface to the second edition he compared himself to Copernicus, and says that he has effected a Copernican revolution in philisophy.

Space and time, Kant says, are not concepts; they are forms of "intuition", (the German word is "Anschauung", which means literally "looking at" or "view". The word "intuition" though the accepted translation, is not altogether a satisfactory one. There are also, however, a prior concepts; there are the twelve "Categories", which Kant derives from the forms of the syllogism. The twelve categories are devided into four sets of three:

1. Of quantity: unity, plurality, totality;
2. Of quality: reality, negation, limitation;
3. Of relation: substance -and- accident, cause -and- effect, reciprocity;



4. Of modality; possibility, existence, necessity. These are subjective in the same sense in which space and time are -that is to say, our mental constitution is such that they are applicable to whatever we experience, but there is no reason to suppose them applicable to things -in- themselves. As regards cause, however, there is an inconsistency, for things -in- themselves are regarded by Kant as causes of sensations and free volitions are held by him to be causes of occurrences in space and time. "This inconsistency is not an accidental oversight; it is an essential part of his system." 2

A large part of the Critique of Pure Reason is occupied in showing the fallacies that arise from applying space and time or the categories to things that are not experienced. When this is done, so Kant maintains, we find ourselves troubled by "antinomies" -that is to say, by mutually contradictory propositions each of which can apparently be proved.

This part of the Critique greatly influenced Hegel, whose dialectic proceeds wholly by the way of antinomies.

In a famous section, Kant sets to work to demolish all the purely intellectual proofs of the existence of God.

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2. Bertrand Russell, History of Western Philosophy (London 1946), p. 735.

These he was to set forth later in the Critique of Practical Reason (1786).

There are, he says, only three proofs of God's existence by pure reason; these are the ontological proof, the cosmological proof, and the physico-theological proof.

The ontological proof, as he sets it forth, defines God as the ens realissimum, the most real being. Kant objects that existence is not predicate.

The Cosmological proof says: if any thing exists, then an absolutely necessary being must exist; now I know that I exist; therefore an absolutely necessary Being exists, and this must be the ens realissimum. Kant maintains that the last step in this argument is the ontological argument over again, and that it is therefore refuted by what has been already said.

The physico-theological proof is the familiar argument, argument from design, but in a metaphysical dress. It maintains that the universe exhibits an order which is evidence of purpose. Kant maintains that this argument, at best, proves only an Architect, not a Creator, and therefore cannot give an adequate conception of God. He concludes that "the only theology of reason which is possible is that which is based upon moral laws or seeks guidance from them.

Kant's ethical system, as set forth in his Metaphysics of Morals (1785), has considerable historical importance. This book contains the "Categorical imperative", which, at

least as a phrase, is familiar outside the circle of professional philosophers. All moral concepts, he maintains, have their seat and origin wholly a priori in the reason. Moral worth exists only when a man acts from a sense of duty; it is not enough that the act should be such as duty might have prescribed. The essence of morality is to be derived from the concept of law. The idea of an objective principle, in so far as it is compelling to will, is called a command of the reason, and the formula of command is called an imperative.

There are two sorts of imperative: the hypothetical imperative which "you must do so -and- so if you wish to achieve such -and- such an end"; and the categorical imperative, which says that a certain kind of action is objectively necessary, without regard to any end. The categorical imperative is synthetic and a priori. Its character is deduced by Kant from the Concept of Law: "Act only according to a maximum by which you can at the same time will that it shall become a general law" or: "Act as if the maxim of your action were to become through your will a general natural law".<sup>3</sup>

          3. ibid., p, 737

Kant maintains, although his principle does not seem to entail this consequence, that we ought so to act as to treat every man as end in himself. This may be regarded as an abstract form of the doctrine of the rights of the man. If taken with seriousness, it would make it impossible to reach a decision whenever two individual's interests conflict. The difficulties are particularly obvious in political philosophy, which requires some principles, such as preference for the majority, by which the interests of some can, when necessary, be sacrificed to those of others. If there is to be any ethic of Government, the end of the Government must be one, and the only single end compatible with justice is the good of the community. "It is possible, however, to interpret Kant's principle as meaning, not that each man is an absolute end, but that all men should count equally in determining actions by which many are affected. So interpreted, the principle may be regarded as giving an ethical basis for democracy". 4

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4. Ibid, p.738.

IMMANUEL KANT ON POLITICS AND PEACE.

The Prussian government might have pardoned Kant's theology, had he not been guilty of political heresies as well. Three years after the accession of Frederick William II, the French Revolution had set all the thrones of Europe trembling. Kant, sixty five years old, hailed the revolution with joy.

He had published, in 1784, a limited exposition of his political theory under the title of "The Natural Principle of the Political Order considered in connection with the Idea of a Universal cosmopolitical History." Kant begins by recognizing, in that strife of each against all which had so shocked Hobbes, nature's method of developing the hidden capacities of life; struggle is the indispensable accompaniment of progress. If men were entirely social, man would stagnate; a certain alloy of individualism and competition is required to make the human species survive and grow. "Without the qualities of an unsocial kind.... men might have led an Arcadian Shepherd life in complete harmony, contentment, and mutual love; but in that case all their talents would have forever remained hidden in their germ". "Thanks be then to nature for this unsociableness, for this unsociableness, for this envious jealousy and vanity, for this insatiable desire for possession and for power..... Man wishes concord; but nature knows better what is good for his species; and she

wills discord, in order that man may be impelled to a new exertion of his powers, and to the further development of his natural capacities." 5

The struggle for existence, then is not altogether an evil. Nevertheless, men soon perceive that it must be restricted within certain limits, and regulated by rules, customs, and laws; hence the origin and development of civil society. But now "the same unsociableness which forced men into society becomes again the cause of each Commonwealth assuming the attitude of uncontrolled freedom in its external relations, -i.e., as one state in relation to other states; and consequently, any one state must expect from any other the same sort of evils as formerly oppressed individuals and compelled them to enter into a civil union regulated by law." 6

-----5. Will Durant, The Story of Philosophy (New York, 1952), p.283.

-----6. Immanuel Kant, Eternal Peace and other Essays on Politics, History and Morals, Indianapolis : Hackett, 1983, p.14.

It is time that nations, like men, should emerge from the wild state of nature, and contract to keep peace. The whole meaning and movement of history is the ever greater restriction of pugnacity and violence, the continuous enlargement of the area of peace.

The essay on "Perpetual Peace" (published in 1795, when Kant was seventy one) is noble development of this theme. Kant, in his work, advocates a federation of free states, bound together by a covenant forbidding war. Reason, he says, utterly condemns war, which only an international government can prevent. The civil constitution of the component states should, he says, be "republican", but he defines this word as meaning that the executive and the legislative are separated. He does not mean that there should be no king; in fact, he says that it is easiest to get a perfect government under a monarchy. Writing under the impact of Reign of Terror, in France he is suspicious of democracy; he says that it is of necessity despotism, since it establishes an executive power. "The 'whole people', so called, who carry their measure are really not all, but only a majority: so that here the universal will is in contradiction with itself and with the principle of freedom".

Kant was desperate of situations of his times. He always complained, as apparently every generation must, that "our rulers have no money to spend on public education..... because all their resources are already

placed to the account the next war." 6.

The nations will not really be civilized until all standing armies are abolished. "standing armies excite states to out rival one another in the number of their armed men, which has no limit, through the expense associated there by, peace becomes in the long run more oppressive than a short war; and standing armies are thus the cause of aggressive wars undertaken in order to get rid of this burden." 7.

-----6. Perpetual Peace: A Philosophic sketch (1795, KGS VIII), Ted Humphrey, Immanuel Kant: Perpetual Peace and Other Essays; p.21.

-----7. Ibid., p.71.



For in time of war the army would support itself on the country, by requisitioning, quartering, and pillaging, preferably in the enemy's territory, but if necessary, in one's own land; even this would be better than supporting it out of government funds.

Much of this militarism in Kant's judgement, was due to the expansion of Europe into America and Africa and Asia; with the resultant quarrels of the thieves over their new booty. Kant attributed this imperialistic greed to the oligarchical constitution of European states; the spoils went to a select few, and remained substantial even after division. If democracy were established, and all shared in political power, the spoils of international robbery would have to be so sub-divided as to constitute a resistible temptation. Hence the "first definitive article in the conditions of Perpetual Peace" is this: "The Civil Constitution of every state shall be republican, and war shall not be declared except by the plebiscite of all the citizens." 8.

When those who must do the fighting have the right to decide between war and peace, history will no longer be written in blood. "On the otherhand, in a constitution where the subject is not a voting member of the state, and which is therefore not republican, the resolution to go to war is the matter of smallest concern in the world".

-----8. Ibid., pp. 76-77.

The apparent victory of the Revolution over the armies of reaction in 1795 led Kant to hope that republics would now spring up throughout Europe, and that an international order would arise based upon a democracy without slavery and without exploitation, and pledged to peace. After all, the function of government is to help and develop the individual, and not to use and abuse him. "Every man is to be respected as an absolute end in himself; and it is a crime against the dignity that belongs to him as a human being, to use him as a mere means for some external purpose." 9.

Kant calls for equality: not of ability, but of opportunity for the development and application of ability; he rejects all prerogatives of birth and class, and traces all hereditary privilege to some violent conquest in the past. In the midst of obscurantism and reaction and the union of all monarchical Europe to crush the Revolution, he takes his stand for the new order, for the establishment of democracy and liberty everywhere.

-----9. Friedrich Paulsen, Immanuel Kant: His Life and Doctrine, 11nd ed, 1899, Trans. J.E.Creighton and Albert Lefevre, New York: Ungar, 1963. pp, 98-101.

**CHAPTER - I**  
**A BRIEF HISTORY OF MODERN GERMANY**  
**DURING EIGHTEENTH CENTURY**

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"In the eighteenth century as in the seventeenth century the German states were polarized upon Austria in the South and Prussia in the north". 1.

Prussia had, however, developed in an opposite direction: towards close cohesion and bureaucratic organization. The power of the Junker landowner in his estate was as fundamental in Prussia as it was in the Habsburg monarchy. But demesne farming and self-owning, though pre-valent, were not dominant in Cleves, Mark, Magdeburg, Halberstadt, or even in the Western part of Brandenburg. More over, from the time of Great Elector the landowners had been excluded from the towns. These were governed by royal officials; they were differently taxed, paying an excise rather than a land tax; above all, they prospered and produced strong merchant and artisan classes. If noble land enjoyed a permanent protection, so that it could not be bought by peasant or burgher, the burgher was equally protected; for neither noble nor peasant might exercise the crafts and trade he monopolized. The peasant for his part could not be evicted by noble man or burgher. Except in Prussia and, after 1740, in Silesia, the bureaucratic centralism of the kingdom rested upon a more varied society and a more even distribution of power and wealth than existed, as a rule, in the aristocratic Habsburg monarchy. Brandenburg-Prussia

----- 1. Malcolm Pasley., (ed), Germany A Companion to German Studies, London, 1982, p.224.

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owed much of the broad basis of its strength to an absence of great personal fortunes, to the crown's policy of home colonization, which introduced men of moderate means, and to the even operation of the crown's interest in the material prosperity of its subjects.

Frederick William I (1713-40) began the process of internal centralization. The separate institutions which the Great Elector had erected in the localities and at the centre for the administration, severally, of the income from the royal domains and the income from taxation were in his reign united. Thus the line of subjection ran from the royal official (Steuerrat) in the towns, or from the land owner in the country side up to the Chambers of War (for taxes) and Domains and from them upto the new board - the General Directory in Berlin. The king dealt with the latter through his personal secretaries or Kabinett. He thus instituted the system of personal government through the Kaninetttsordern of an anonymous cabinet, which Frederick the Great used so effectively. The men who staffed these bodies were officials and if some were also noblemen, this was incidental.

"The army also became an effective instrument of centralization, even if some two-thirds might still be recruited outside Prussia by professional recruiting officers, supplied with much money for few scruples, a native military tradition came to predominate through the king's unremitting interest in and personal attention to

his soldiers". 2

When the army was recruited at home, the nobility for the first time became proud to serve the crown, and the tradition of the Prussian officers' corps with its exclusive social status had begun. Frederick William stimulated it by founding the corps of cadets for the education of young noblemen. The army thus drew the provinces together. Moreover, because it was a constantly expanding force, its maintenance stimulated both economic and administrative centralization.

The old elected town councils were abolished and replaced by paid officials, appointed for life. They were responsible to Berlin and directly controlled by the Steuerrat, who levied the excise, devised and helped to execute the mercantilist policy of the state and was always available to hear complaints and stimulate activity. The army was an instrument of economic centralization, because this mercantilist policy was geared to its needs. The encouragement of manufacturers, the enticement of skilled immigrants, the prevention by high tariff duties of the import of corn, cloth or luxury goods and the export of raw materials for manufactures were all ways of keeping up production in order to keep up the yield of the excise, which maintained the army.

-----2. Ibid., p., 234.

Frederick William was succeeded by Frederick the Great (1740-86) whose "economic policy was one of his principal means for increasing the power of his state. It was a policy of home colonization, land drainage and reclamation, the improvement of agricultural methods, the planting of new industries, the subvention of old, the founding of overseas trading companies and the Royal Bank and a policy of discriminatory tariffs." 3

It was too much geared to the production of goods needed by the army, too much dominated by family and state monopolies and too much confined by rigid class distinctions to be a policy creative of economic change. But it stimulated a conservative economy sufficiently to be a political importance: to increase effectively, that is, the power of the Prussian state.

His main concern was Prussian power. But he shared the rationalist philosophy of his age and applied it, with Cocceji's assistance, to the reform of justice and the recodification of Prussian law. The conservatism of the law codes was, however, marked. He did not end the system of patrimonial justice on the Junker estates, but he increased the security of all in their civil rights. If the Prussian world was a somewhat harsh, bureaucratic world of labour and service, it was also a law abiding and upright world where everyone ultimately had his due.

3. W.H., Bruford., Germany in the Eighteenth Century, Cambridge, 1935; p.246.

"The eighteenth, like the seventeenth century, was for the German states a century of War".<sup>4</sup>

But war, with more tightly disciplined armies, no longer caused wide spread destruction, famine and disease. It was used with a most precise economy as an instrument for the assertion of the power of the tightly knit bureaucratic Prussian kingdom against the loosely organized, hierarchical Habsburg monarchy. The battle fields were now in the north, centre and east. The Great Northern War (1700-21) had, indeed, been limited to north east Germany. It arose from the ambitions of Charles XII of Sweden, but the future of both Saxony and Prussia was decided by it. The general settlement of Nystad left Augustus of Saxony just about as strong as he was when the war began. He retained both Poland and Saxony, though during the war he had been dispossessed of both. Hanover, by acquiring Bremen and Verden, grew significantly. But Prussia by acquiring most of Swedish Pomerania and Stettin made a more notable gain of strength. Prussia's activity during the war was all the more important because of the small part played in it by the Holy Roman Emperor.

Charles VI was indeed the first emperor of whom it may, with some accuracy, be said that he had no German policy. He had a Turkish policy and considerably improved the

-----4. H.Butterfield, Man on his Past; Boston., 1960., p.46.



monarchy's position in the east. The Peace of Passarowitz, 31 July 1718, gave Austria the Banat of Temesvar, the last part of the old Hungarian monarchy to be recovered, and also large parts of Serbia, including Belgrade and a strip of Wallachia. These last territories were lost in the reign of Joseph II, but their temporary possession, coupled with the decline of Ottoman greatness, gave the monarchy security on its south-eastern frontier.

Charles also had a maritime policy. He tried to develop the Mediterranean trade of Trieste as well as the overseas trade of Ostend in the recently acquired Southern Netherlands. Despite efforts to use alliance, first of England, Holland and France and then of Spain for this purpose, his maritime policy had failed by 1729 and alienated all these powers from him.

Charles further had an Italian policy. This had been so far successful as to enable him to exchange Sardinia for Sicily (1720). But after 1723 his policy was increasingly bedeviled by the desire to gain European acceptance of the pragmatic sanction. In 1725 he reversed the old system of alliance with England and Holland and allied with Spain, who accepted the pragmatic sanction. England, France, Holland and Prussia then coalesced in the alliance of Hanover. Charles's reply was an alliance with Russia, who also accepted the pragmatic sanction. This was too much for Prussia, which renewed friendship with Austria and gave her adhesion to the pragmatic sanction. In 1731 by

the Treaty of Vienna (16 March) Charles surrendered both his maritime and Italian policies in order to recover the alliance of England and Holland and to gain their adhesion to the pragmatic sanction. In Italy Charles accepted the Spanish succession to Parma and Piacenza and their immediate occupation by Spanish troops. Two years later he was engaged in the war of Polish Succession. At stake, ultimately, were the security of the eastern frontier of the Austrian monarchy and the ascendancy of France in Europe.

The Second Treaty of Vienna of October 3, 1735 settled Augustus's accession to Poland and made provisions for Stanislas taking the duchy of Lorraine, provided that it reverted to France on his death. Charles paid the price in Italy. Here he gave up Naples and Sicily to Spain and acquired the minuscule territories of Parma and Piacenza instead. The Treaty of Aix-La-Chapelle after the War of Austrian succession in 1748 arranged for Parma and Piacenza to go to Philip of Spain. Thus in Charles's reign the Italian possessions of the Habsburgs, with Lombardy directly ruled and Tuscany under a Habsburg Collateral, acquired the shape they continued to have until the mid-nineteenth century, except that they did not yet include Venice.

In 1740 Maria Theresa succeeded Charles VI, and Francis Lorraine was elected Holy Roman Emperor. This partition of responsibility meant the strengthening of the tendency of the Austrian monarchy to dispense with a German policy. It

is not surprising, then, that Frederick the Great's increasing power entitled him to claim what the Habsburgs discarded. He increased his territories with a ruthlessness which surpassed even that of Louis XIV. In 1740 he invaded Silesia. Uninformed opinion condemned his action as unchivalrous and vaguely dishonest. Informed opinion condemned it as an infraction of the pragmatic sanction and as such a threat to European security. Frederick had anticipated this view and had told the chief foreign courts that he did not dispute Maria Theresa's succession to the Habsburg lands, only to the four Jagendorf duchies in Silesia which belonged to the Hohenzollern. But the first Silesian War ended, after the victory of Mollwitz, with the truce of K. Lein Schnellendorf, October, 1741, which left Frederick with the whole of Lower Silesia. Even he dared not deny that his next step was an infraction of the pragmatic sanction; for in 1742 he renewed the war as a member of a confederacy headed by France and pledged to support the succession of the Elector of Bavaria to the Austrian dominions and to the title of emperor.

In 1756 Frederick the Great invaded Saxony. He felt himself strong enough to enter what became the Seven Years War on the thinnest of the pretexts. "He adopted the defence of preventive war, arguing that unless he attacked

first, he would be attacked by a powerful European Coalition". 5.

The only way to forestall Austria's attack was to threaten her Bohemian frontier; it was unfortunate that the way to Bohemia lay through Saxony. But the agreement between Austria and France that constituted the so called diplomatic revolution only acquired an offensive character after Prussian diplomatic and military movements had begun. There is ample evidence that Frederick had long planned the conquest of Saxony- the next leaf of the artichoke- and by the disposition of troops he infact made. After the great victories at Rossbach (Nov. 1757) and Lenthen (Dec 1757) and drawn battle of Zorndorf against Russia, Frederick negotiated for peace. His terms show his determination to acquire Saxon territory, if not the whole of Saxony; for he was prepared to offer Rhenish territory to France and East Prussia to Russia in order to gain it. The Peace of Hubertusburg in 1763 left this ambition unfulfilled. But the scale of the operations against Austria, France and Russia, and his success in pursuing the calculated aggression that had begun then, marked the emergence of Prussia 'as the keystone of European balance of power'. Finally, calculated aggression brought Frederick West Prussia. In 1764 he signed an alliance with the Empress

-----5. Ch. Duffy., The Army of Friedrich the Great,  
Newton Abbot; 1974; p.46.

Catherine II of Russia. It contained a mutual guarantee of territories and promises of military assistance against common enemies. One last opportunity Frederick used. "That was the War between Austria and Bavaria which arose when Austria contested the succession of Karl Theodor, who already ruled the Palatinate, Julich and Berg, to the electorate of Bavaria". 6

The peace of Teschen (May 1779) which concluded it in Karl Theodor's favour brought him Ansbach and Bayreuth in Franconia. Austria had for sometime now sought to reverse the decision of 1714 and to exchange the Austrian Netherlands for Bavaria. It is not surprising that the equality with her that Prussia had established brought this ambition to head; nor that, by negotiating the Furstenbund in 1785, Frederick the Great foiled it. This league also marks the point at which Frederick, annexed Austria's German mission to himself.

Frederick had used wars to demonstrate that his power was greater in Germany than that of the Habsburgs. It became for the first time possible to speculate whether Prussia might not turn Austria out of Germany and herself create a single power unit out of the structure of rights that was the Holy Roman Empire. The rise of Prussia was

-----6. F. Meinecke., Machiavellism, New Haven, 1957; p.105.

only the most striking phenomenon that accompanied Austria's becoming more of a Danubian monarchy.

Frederick Augustus III (1763-1827) was a good administrator, patient, punctilious and cool, who ruled by wisdom rather than by rigid principles. Saxony prospered, because private and traditional enterprise was unhampered, and it became the home of the first German bourgeoisie in the Marxist sense. It was a Lutheran state whose royal house became Catholic, when it began to provide kings of Poland. Above all, it was a state with pretensions to equality with Prussia and Austria.

Frederick Augustus had no particular policy towards Revolutionary France. He remained neutral when Prussia and Austria declared war on France in 1792; he supplied his contingent to the troops of the Upper Saxon Circle when the empire declared war in 1793, but kept his state free from war and its costs from 1796 to 1805. After Napoleon's victories there was, however, no room for neutrals, Frederick Augustus had provided Prussia with troops, when she made the Jena campaign, but saved his state and, indeed, enlarged it at Prussia's expense by joining the victorious Napoleon in time. From 1806 onwards Saxony was bound to France as the member of the Confederation of the Rhine. It was, after Jena, for sometime occupied and administered by French intendants. The last German battlefields (Leipzig, 1813) of the Napoleonic wars were on Saxon territory. At the Peace of Vienna, Saxony lost

territory to Prussia, but the kingdom of Saxony, as it had become in 1806, was not weaker than it had been in 1800 and it continued to develop unobtrusively. It continued to be politically conservative and economically progressive. The absolutism of its kings was limited only by the imperfect powers of the parliament set up in 1833. About the same time it became the home of the first German proletariat.

Karl Eugen (1744-93) had lavished money on useless things. When Revolutionary France repudiated feudal obligations and annexed the territory of German rulers, Karl Eugen was a considerable loser. He preferred to negotiate with successive regimes in France rather than depend upon the empire to protect his rights; he still remained neutral when the empire declared war on France in 1793. His death (24 October, 1793) brought his younger brothers, Ludwig Eugen and Friedrich Eugen to power in turn. They brought Wiirttemberg into the war and fought against France until 1796. Wiirttemberg was at peace where Duke Friedrich succeeded (1797-1816), but he re-entered the war and fought it with unprecedented vigour. This did not prevent him from negotiating with Napoleon and he gained, by a treaty of 1802, an assignment of secularized ecclesiastical territory and imperial cities, which he duly annexed in 1803. Wurttemberg stands apart from all the other German states by the seriousness of its response to the French Revolution. "Else where the first heady enthusiasm, on the part mostly of writers and urban

artisans, was followed by disengagement, but in Wurttemberg a serious movement developed (1794-98) to convert the already powerful estates into an elective parliament, if not to turn the duchy into a republic."<sup>7</sup> He made further acquisitions of territory and was recognized as an independent sovereign with the title of king when he joined the confederation of the Rhine and signed a fresh alliance with Napoleon (1806). For him, too, a parliamentary constitution (1819) completed the re-organization of his state that took place as a result of the Napoleonic wars.

Federick William III (1797-1840) was pushed into the lead in 1813 by the Prussian nobility and generals, supported by the peasants, who were also the rank and file of the army, and academic and merchant classes of Berlin. The retreat of the Napoleonic armies provided the occasion for Frederick William's revolt from Napoleon's control. Napoleon was defeated at the battle of Leipzig by a coalition of German princes under Prussia's leadership. His armies were swept back into France. "Liepzig is rightly called the battle of the nations; for many European nations fought there and there were Germans on both sides".<sup>8</sup>

-----7. L.V.Ranke, Zwoelf Buecher preussischer Geschichte (3 Vols), Berlin, p.210.

-----8. O.Hintze, Historical Essays of Otto Hintze, ed. Felix Gilbert, Oxford, 1975, p.,109.



The defeat of Napoleon transformed the situation and enabled the governments to recover control. "The German states to the number of thirty eight, later thirty nine, constituted a league or diplomatic alliance, known as the Germanic Confederation. They were pledged not to make war upon each other and to render each other military assistance at need". 9

But it was nevertheless a more nearly all German organisation than the Holy Roman Empire, the political structure which it superseded.

"The Germanic Confederation failed to correspond to the idea of the German nation which social changes, that had happened during the wars, had done much to stimulate. The idea of the state as composed of the common subjects of one prince was already yielding place to an idea of the state as the members of a single society. Whether a state was governed by a monarch or not, a sense of membership was one precondition of men's identification of it with the nation". 10

-----9. H.Butterfield; The System of Peace Tactics of Napoleon 1806-08; Cambridge., 1929; p.282.

-----10. E.N. Aderson; Nationalism and Cultural crisis in Prussia, Princeton, 1939; p., 101

From Kant to Hegel was the golden age of the German political philosophy. Though ideas during this period spanned the whole range of liberal, conservative and 'statepower' thought, they had a single effect, in so far as they stimulated a new open mindedness towards the problems of government and a sense, among those whom they influenced, that they themselves were responsible for their fate. Kant was especially important in creating for Germans a notion of the state as a community of a free, equal and, self-dependent citizens. His influence stimulated the belief that men were free in society because they lived under the restraints of law, which in turn was not imposed but grew out of the tension between the sociable and unsociable qualities in the individual. The rule of law implied a dynamism, since it was achieved only by the constant effort of all men in society. The monarch, whom Kant saw no reason to abolish, and his subjects were constantly involved in this effort of reasoning out what it was right to do and constantly acting upon the knowledge of right at which they thus arrived. "Kant advocated the concept of liberty, liberty defined as the privilege and ability to dedicate one's self to the fulfillment of duty -or the practical application of Kant's categorical imperative. The royal subject was to become the citizen, a process which required the abolition of the limitations which had so far prevented him from accepting full ethical and political

responsibility". 11.

Fichte simply carried Kant's idealism one stage further in arguing that the state represented the focal point of the community, towards which the attention of each individual component should be directed.

Humboldt drew out and elaborated what was implicit in Kant's ideas, namely, the view that the function of the state should be limited to the enforcement of the law. He taught that the state should concern itself neither with morality, the motives of men's actions, nor their material well-being. In concrete terms, the liberals of the nineteenth century expressed the notion of membership and self-dependence, which they derived from Kant, in demands for elective parliaments, a free press, defence by a citizen's militia and trial by jury.

"Hegel during his life-time (d. 1831) too stimulated the German's passion for political theorizing. This in turn increased their open mindedness on political questions and their sense of self-dependence in solving them. This political vitality and this element of self-reliance in it help to explain the widespread commitment in the early nineteenth century to the aim of creating a German state that should correspond to the German nation, as its common way of life or its law, its common experience or its history has made it and as its common

-----11. H.W. Koch., A History of Prussia; Longman, London and New York., 1978., p.163.

language marked it off to the outside world." 12

Finally, the emancipation of serfs and the enlargement of the political notion were the by-products of Kantian influence on the contemporary regime of the socio-political conditions, which later became a very vital element in the national movement of Germany.

It is amply clear that the history of Germany during eighteenth century, like seventeenth, was the 'history of conflict'. This did not only keep the situation confused and brought about several changes in the traditional structures of the states involved but also created a great deal of political chaos in the Europe, much to the distress of the masses. It, however, provided a solid background to thinkers like Kant, to sharpen their faculties and shape their deep rooted socio-political ideas.

It was, however, in the background of political history of Germany during the 18th century that Kant became fully convinced about his notions of a republic and a federation of states as the effective instruments to bring about more concrete solutions to ongoing wars between nations and establishment of a perpetual international peace based on the principles of freedom and equality of the human race towards building up a more just world order.

-----12. Malcolm Pasley; (ed); Germany. A Companion to German Studies; METHUEN; 1972. p.242

**CHAPTER - I I**  
**PERPETUAL PEACE**

The relations of relations of states find their expression, we are told, in war and peace. What has been the part played by these counteracting forces in the history of nations? "It is an easy enterprise", in more than usually careful language, "to disentangle that which is original from that which is artificial in the actual state of man, and to make ourselves well acquainted with a state who no longer exists, which perhaps never has existed and which probably never will exist in the future". 1.

This is a difficulty which Rousseau surmounts only too easily. A knowledge of history, a scientific spirit may fail him. Man lived, "without industry, without speech, without habitation, without war, without connection of any kind, without need of his fellows or without any desire to harm them..... sufficing to himself". 2

The early stage of human existence, as Hobbes held, a state of war, of incessant war between individuals, families and finally, tribes.

-----1. Rousseau, Preface to the Discourse on the Causes of Inequality, 1753.

-----2. Rousseau, Discourse on the Sciences and Arts, 1750.

THE EARLY CONDITIONS OF SOCIETY

For the barbarians, war is the rule; peace the exception. His gods, like those of Greece, are warlike gods; his spirit, after death flees to some Valhalla. For him life is one long battle; his arms go with him even to the grave. Food and means of existence he seeks through plunder and violence. Here right is with might; the battle is too strong. Nature has given all an equal claim to all things, but not every one can have them. This state of fearful insecurity is bound to come to an end. "Government is hardly to be avoided amongst men that live together." 3

A constant dread of attack and a growing consciousness of the necessity of presenting a united front against it result in the choice of some leader, who acts as the chief motivating factor in the decision of major issues. Peace within is found to be strength without. The civil state is established, so that "if there needs must be war, it may not yet be against all men, not yet without some helps".4.

-----3. Locke, On Civil Government, Chap. VIII, p.105. In republic, II. p.369.

-----4. Thomas Hobbes: On Liberty, Chap. I, p.13. This foundation of the state is the first establishment in

history of a peace institution. It changes the character of Warfare, it gives it method and system; but it does not bring peace in its train. We have now, indeed, no longer a wholesale war of all against all, a constant irregular raid and plunder of one individual by another; but we have the systematic, deliberate war of community, of nation against nation.

### WAR IN CLASSICAL TIMES

In early times, there were no friendly neighboring nations: beyond the boundaries of every nation's territory, lay the land of deadly foe. This was the way of thinking, even of so highly cultured a people as Greeks, who believed that a law of nature had made every outsider, every barbarian their inferior and their enemy. Their treaties of peace, at the time of the Persian War, were frankly of the kind denounced by Kant, mere armistices concluded for the purpose of renewing their fighting strength. The ancient world is a world of perpetual war in which defeat meant annihilation. Even in Greece and Rome the fate of the unarmed was death or slavery. The barbaric or non-Grecian states had, according to Plato and Aristotle, no claim upon humanity, no rights in fact of any kind. Among the Romans things were a little better.

They were worse for Rome stood alone in the world: She was bound by ties of kinship to no other state. She was,



in otherwords, free from obligation to other races. War, according to Roman ideas, was made by the gods, apart altogether from the quarrels of rulers or races. To disobey the sacred command, expressed in signs and auguries would have been to hold in disrespect the law and religion of the land. When, in the hour of victory, the Romans refrained from pressing their rights against the conquered rights recognised by all Roman Jurists- it was from no spirit of leniency, but in the pursuit of a prudent and far-sighted policy, aiming at the growth of Roman supremacy and the establishment of a world embracing empire, shutting out all war as it blotted out natural boundaries, reducing all rights to the one right of imperial citizenship. There was no real jus belli, even in the cradle of international law; the only limits to the fury of war were of a religious character.

The treatment of a defeated enemy among the Jews rested upon a similar religious foundation. In the East we find a special cruelty in the conduct of war. The wars of the Jews and Assyrians were wars of extermination. The whole of the Old Testament, it has been said, resounds with the clash of arms. "An eye for an eye, a tooth for a tooth !" was the command of Jehovah to his chosen people. Vengeance was bound up in their very idea of the Creator. The Jews, unlike the followers of Mohammad, attempted, and were commanded to attempt no violent conversion; they were then too weak a nation; but they fought, and fought with success against the heathen of neighbouring lands, the

Lord of Hosts leading them forth to battle. The God of Israel stood to his chosen people in a unique and peculiarly logical relation. The blood of this elect people could not be suffered to intermix with that of idolaters.

Hence the attitude of the Jews to the neighbouring nations was still more hostile than that of the Greeks. The cause of this difference is bound up with the transition from polytheism to monotheism. The most devout worshiper of the national gods of ancient times could endure to see other gods than his worshipped in the next town or by a neighbouring nation. There was no reason why all should not exist side by side. Religious conflicts in polytheistic countries, when they arose, were due not to the rivalry of conflicting faiths, but to an occasional attempt to put one god above the others in importance. There could be no interest here to propagate one's belief through the sword. But, under the Jews, these relations were entirely altered. Jehovah, their creator, became the one invisible God. Monotheism is in its very nature, a religion of intolerance. Its spirit among the Jews was warlike: it commanded the subjugation of other nations, but its instrument was rather extermination than conversion.

EVOLUTION OF THE SCIENCE OF INTERNATIONAL LAW :

Out of the ruins of the old feudal system arose the modern state as a free independent unity. Private war between individuals or classes of society was now branded as a breach of the peace. It became the exclusive right of kings to appeal to force. War, wrote Gentilis towards the end of the sixteenth century, is just or unjust conflict between states. Peace was now regarded as the normal condition of society. As a result of these great developments in which the concept of "state" acquired a new meaning, jurisprudence freed itself from the trammelling conditions of medieval scholasticism. Men began to consider the problem of rightfulness or wrongfulness of war, to question even the possibility of war on rightful grounds. Out of these new ideas arose the first consciously formulated principles of the science of international law.

Greece which, while it had merely Hellenic basis and was mainly a religious survival, shows the germ of some attempt at arbitration between Greek states. Among the Romans we have the jus feziale and jus gentium, as distinguished from the civil law of Rome, and certain military regulations about the taking of booty in war. Ambassadors who held inviolate in both countries; the formal declaration of war was never omitted. Many Roman writers held the necessity of a just cause for war but these considerations never formed the subject matter of a

special science.

In the Middle Ages the development of these ideas received little encouragement. All laws are silent in the time of war, and this was a period of war, both bloody and constant. There was no time to think of the right or wrong of anything. Moreover, the Church emphasized the lack of rights of unbelievers, and gave her blessing on their annihilation. The whole Christian world was filled with the idea of a spiritual universal monarchy. Not such as that in the minds of Greeks and Jews and Romans who had been able to picture international peace only under the form of a great national and exclusive empire. In this great Christian state there were to be no distinctions between nations; its sphere was bounded by the universe. But there was no room or recognition for independent national states with equal and personal rights. This recognition, opposed by the Roman Church, is the real basis of international law. The Reformation was the means by which the personality of the peoples and the unity and independence of the state were first openly admitted. On this foundation, mainly at first in Protestant countries, the new science developed rapidly. Like the civil state and the Christian religion, international law may be called a peace institution.

EARLY INTERNATIONAL LEGAL THINKERS : GROTIUS, PUFFENDORF  
AND VATTEL.

GROTIUS: In the beginning of the seventeenth century, Grotius laid the foundations of a code of universal law (De Jure Belli et Pacis, 1625) independent of differences of religion, in the hope that its recognition might simplify intercourse between the newly formed nations. The primary object of this great work, written during the misery and horrors of the Thirty Years' War, was expressly to draw attention to these evils and suggest some methods by which severity of warfare might be mitigated. Grotius originally meant to explain only one chapter of the law of the nations : his book was to be called De Jure Belli, but there is scarcely any subject of international law which he leaves untouched. He obtained, moreover, a general recognition of the doctrine of Law of Nature which exerted so strong an influence upon succeeding centuries; indeed, between these two sciences, as between international law and ethics, he draws no very sharp line of demarcation. His treatment of the new field is comprehensive and clear. There was a law, he held, established in each state purely with the view to the interests of that state, but, besides this there was another higher law in the interest of the whole society of nations. Its origin was divine; the reason of man commanded his obedience.

Grotius distinctly holds, like Kant and Rousseau, and unlike Hobbes, that the state can never be regarded as a unity or institution separable from the people. But these nations, these independent units of society cannot live together side by side as they like. They shall have to repose their faith in an established union. Law, he said, stands above force even in war, "Which may only be begun to pursue the right;" and the beginning and manner of conduct of war rests on fixed laws and can be justified only in certain terms. War is not to be done away with: Grotius accepts it as a fact (as Hobbes did later), as the natural method for settling the disputes which were bound constantly to arise between so many independent and sovereign nations. A terrible scourge it must ever remain, but as sanctioned by the practice of states and not less by the law of nature and of nations. Grotius did not advance beyond this position. Every violation of the law of nations can be settled but in one way by war, the force of the stronger.

PUFFENDORF: The necessary distinction between law and ethics was drawn by Puffendorf\*, a successor of Grotius who gave an outwardly systematic form to the doctrine of the great jurist, without adding to it either strength or completeness. His views, when they were not based upon the system of Grotius, were strongly influenced by the speculation of Hobbes, his chronological predecessor.

\* Puffendorf's best known work, De Jure Nature et Gentium, was published in 1672.

VATTEL : In the works of Vattel\*, who was, next to Rousseau, the most celebrated of Swiss publicists, we find the theory of customs and practice in war widely developed, and the necessity for humanising its methods and limiting its destructive effects upon neutral countries strongly emphasised. Grotius and Puffendorf, while they recommend acts of mercy, hold that there is legally no right which requires that a conquered army should be spared. This is a matter of humanity alone. It is to the praise of Vattel that he did much to popularise among the highest and most powerful classes of society, ideas of humanity in warfare, and of the rights and obligations of nations. He is, moreover, the first to make a clear separation between this science and Law of Nature. What, he asks, is international law as distinguished from Law of Nature? What are the powers of a state and duties of nation's to one another? What are the causes of quarrel among nations, and what are the means by which they can be settled without any sacrifice of dignity? They are, in the first place, a friendly conciliatory attitude; and secondly, such means of settlement as mediation, arbitration and Peace-Congresses. These are the refuge of a peace-loving nation, in cases where vital interests are

not at stake.

-----\*Le Droit des Gens was published in 1758 and translated in to English by Joseph Chilty in 1797, (2nd ed, 1834).

#### THE VISION OF A PERPETUAL PEACE:

With the development and popularisation of the new science of international law, many revolutionary ideas were influencing their the popular mind. The Decree of Eternal Pacification of 1495 had abolished private war, one of the heavy curses of the Middle Ages. Why should it not be extended to vanish warfare between states as well? Gradually one proposal after another was made to attain this end, or, at least to smooth the way for its future realisation. The first of these in point of time is to be found in a somewhat bare, vague form in Sully's Memoirs, said to have been published in 1634. Half a century later the Quaker William Penn suggested an international tribunal of arbitration in the interests of peace. But it was by French Abbe' St. Pierre that the problem of perpetual peace was fairly introduced into political literature: and this, in an age of cabinet and dynastic wars, while the dreary cost of the War of Spanish Succession was yet unpaid. St. Pierre was the first who really clearly realised and endeavored to prove that the establishment of a permanent state of peace is not only in the interest of the weaker, but is required by the



European society of Nations and by the reason of man.

From the beginning of the history of humanity, poets and prophets had cherished the "sweet dream" of a peaceful civilization: it is in the form of a practical project that this idea is new. The ancient world actually represented a state of what was almost perpetual war. This was the reality which confronted man, his inevitable doom, it seemed, as it had been pronounced to the fallen sinners of Eden. Peace was something which man had enjoyed once, but forfeited. The myth and poetry-loving Greeks, and, later, the poets of Rome delighted to paint a state of eternal peace, not as something to whose coming they could look forward in the future, but as a golden age of purity whose records lay buried in the past, a paradise which had been, but which was no more.

Voices more scientific were raised even in Greece in attempts, such as Aristotle's, to show that the evolution of man had been not a journey of degeneration from perfection, but of continual progress upwards from barbarism to civilization and culture. But the change in popular thinking on this matter was due less to the arguments of philosophy than to a practical experience of the causes which operate in the interests of peace. The foundation of a universal empire under Alexander the Great gave temporary rest to nations heretofore incessantly at war. Here was a proof that the Divine Will had not decreed that man was to work out his punishment under the unchanging conditions of perpetual warfare. This idea of a

universal empire became the Greek ideal of a perpetual peace. Such an empire was, in the language of the Stoics, a world state in which all men had rights of citizenship, in which all other nations were absorbed.

Parallel to this ideal among the Greeks, we find the hope in Israel of a Messiah whose coming was to bring peace, not only to the Jewish race, but to all the people of the earth. This idea stands out in sharpest contrast to the early nationalism of the Hebrew people, who regarded every stranger as an idolater and an enemy. The prophecies of Judaism, combined with the cosmopolitan ideas of Greece, were the source of the idea, which is expressed in the teachings of Christ, of a spiritual world empire, an empire held together solely by the tie of a common religion.

The hope of peace did not actually die during the first thousand years of our era, nor even under the morally stagnating influences of the Middle-Ages, where feudalism and private war were abolished in Europe. Not merely poets and religious enthusiasts raised the cry against war, but by scholars like Thomas More and Erasmus, jurists like Gentilis and Grotius, men high in the state and in the eyes of Europe like Henry IV of France and the Duc de Sully or the Abbe' de St Pierre also grappled with the problem of new law preamble. St. Pierre's Project de Paix Perpituelle (1713) obtained immediate popularity and widespread fame. The plan of this kind was already

maturing in the first half of the eighteenth century.

HENRY IV. AND ST PIERRE.

The Grand Dessein of Henry IV is supposed to have been formed by that monarch and reproduced Sully's Memoirs, written in 1634 and discovered nearly a century later by St Pierre. The plan was more likely conceived by Sully, and ascribed to the popular king for the sake of better hearing and greater influence and thereby creating no offense in political circles.

Grand Dessein of Henry IV. proposed to divide Europe between fifteen powers, in such a manner that the balance of power should be established and preserved. These were to form a Christian republic on the basis of the freedom and equality of its members, the armed forces of the federation being supported by fixed contributions. A general council, consisting of representatives from fifteen states, was to make all laws necessary for cementing the union thus formed and for maintaining the order once established. It would also be the business of this senate to "deliberate on questions that might arise, to occupy themselves. With discussing different interests, to settle quarrels amicably, to throw light upon and arrange all the civil, political and religious affairs of Europe, whether internal or foreign." 5

-----5. Sully; Memoirs, Vol. VI., 1634, p.129.

This scheme of the king or his minister was expanded with great thoroughness and clear sightedness by the Abbe' St. Pierre: none of the many later plans for a perpetual peace has been so perfect in details. He proposes that there should be permanent and perpetual Union between, if possible, all Christian sovereigns- of whom he suggests nineteen, excluding the Czar- "to preserve unbroken peace in Europe," and that a permanent congress or senate should be formed by deputies of the federated states. The Union should protect weak sovereigns, minors during a regency, and so on, and should banish civil as well as international war- it should "render prompt and adequate assistance to rulers and chief magistrates against seditious persons and rebels." All warfare henceforth is to be waged between the troops of the federation- each nation contributing an equal number - and the enemies of European security, whether outsiders or rebellious members of the Union. Otherwise, where it is possible, all disputes occurring within the Union are to be settled by the arbitration of the senate, and the combined military force of the federation is to be applied to drive the 'Rebels' out of Europe. There is to be a rational arrangement of the boundaries, but after this no change is to be permitted in the map of Europe. The Union should find itself to tolerate the different forms of faith within it.

ROUSSEAU'S CRITICISM OF ST. PIERRE

Rousseau took St. Pierre's project much more seriously than either Leibniz or Voltaire. But sovereigns, he thought, are deaf to the voice of justice. The absolutism of princely power would never allow a king to submit to a tribunal of nations. Moreover war was, according to Rousseau's experience, a matter not between nations, but between princes and cabinets. It was one of the ordinary pleasures of royal existence and one not likely to be voluntarily given up. History has not supported Rousseau's contention. In the military organisation of the nations of Europe and in the necessity of making their internal development subordinate to the care for their external security, Rousseau saw the cause of all the defects in their administration. The formation of unions on the model of the Swiss Confederation or the German Bund would, he thought, be in the interest of all rulers. But great obstacles seemed to him to lie in the way of the realisation of such a project as that of St. Pierre. "Without doubt," says Rousseau in conclusion, "the proposal of a perpetual peace is at present an absurd one ..... It can only be put into effect by methods which are violent in themselves and dangerous to humanity. One can not conceive of the possibility of a federative union being established, except by a revolution. And, that granted, who among us venture to say whether this European federation is to be desired or to be feared? It would

work, perhaps, more harm in a moment than it would prevent in the course of centuries."(Judgement sur La Paix Perpetuelle).

#### HOBBSIAN STAND.

The most profound and searching analysis of this problem comes from Immanuel Kant, whose indebtedness in the sphere of politics to Hobbes, Locke, Montesquieu and Rousseau it is difficult to overestimate. Kant's doctrine of the sovereignty of the people comes to him from Locke through Rousseau. His explanation of the origin of society is practically that of Hobbes. The direct influence on politics of this philosopher, apart from his share in moulding the Kantian theory of state, is worth noting. He was a great influence on the new science developed by Grotius, and his first clear and systematic statement we have of the nature of society and the establishment of the state. The natural state of man, says Hobbes, is a state of war, where all struggle for honour and for preferment and the prizes to which every individual is by natural right equally entitled, but which of necessity fall only to the few, the foremost in the race. Men hate and fear the society of their kind, but through this desire to excel are forced to seek it: only where there are many can there be a first. This state of things, this apparent sociability which is brought about by and coupled with the ~~least sociable~~ of instincts, becomes unendurable." It is

necessary to peace that a man be so far forth protected against the violence of others, that he may live securely. Indeed, to make men altogether safe from mutual harms, so as they can not be hurt or injuriously killed, is impossible; and, therefore, comes not within the deliberation."<sup>6</sup> But to protect them so far as is possible the state is formed. Hobbes has no great faith in human contracts or promises. Man's nature is malicious and untrustworthy. A coercive power is necessary to guarantee this longdesired security within the Community. We must, therefore, he adds, "provide for our security, not by compacts but by punishments; and then there is sufficient provision made, when there are so great punishments appointed for every injury, as apparently it proves a greater evil to have done it, than not to have done it. For all men, by a necessity of nature, choose that which to them appears to be the less evil."<sup>7</sup>

-----<sup>6</sup> Thomas Hobbes; On Dominion, Ch.VI.,3

-----<sup>7</sup> Ibid, Ch.VI,4

These precautions secure that relative peace within the state which is one of the conditions of the safety of the people. But it is, besides, the duty of a sovereign to guarantee an adequate protection to his subjects against foreign enemies. A state of defence as complete and perfect as possible is not only a national duty, but an absolute necessity. The following statement of the relation of the state to other states shows how closely Hobbes has been followed by Kant. "There are two things necessary for the people's defence: to be warned and to be fore armed. For the state of commonwealths considered in themselves, is natural, this is to say, hostile. Neither if they cease from fighting, is it therefore to be called peace; but rather a breathing time, in which one enemy observing the motion and countenance of the other, values his security not according to pacts, but the forces and counsels of his adversary."8.

Hobbes is a practical philosopher. He is, moreover, a pessimist, and his doctrine of the state is political absolutism, the form of government which above all has been and is, favourable to war. Strictest absolutism was required to keep the vicious propensities of the human animal in check. States he looked upon as units of the same kind, members also of a society. They had, and openly exhibited, the same faults as individual men. They too

-----8. Ibid, Ch. XIII.7



might be driven with a strong enough coercive force behind them, but not without it, and such a coercive force as this did not exist in a society of nations. Federation and federal troops are terms which represent ideas of comparatively recent origin. Without something of this kind, any enduring peace was not to be counted upon.

Hence Hobbes never thought of questioning the necessity of war. It was in his eyes the natural condition of European society; but certain rules were necessary both for its conduct and, where it was compatible with a nation's dignity and prosperity, for its prevention. He held that international law was only a part of the Law of Nature, and that this Law of Nature laid certain obligations upon nations and their kings. Mediation must be employed between disputants as much as possible, the person of the mediators of peace should be held inviolate; an umpire ought to be chosen to decide a controversy, to whose judgement the parties in dispute agree to submit themselves; such an arbiter must be impartial. These are all what Hobbes calls precepts of the Law of Nature. And he appeals to the Scriptures in confirmation of his assertion that peace is the way of righteousness.

"Reason requires that every man ought to endeavor peace as far as he has hope of obtaining it; and when he can not obtain it, that he may seek, and use, all helps, and advantages of war "9

" This is the dictate of right reason, the first and fundamental law of nature."<sup>10</sup>

KANT'S IDEA OF A PERPETUAL PEACE:

With regard to the problems of international law, Kant is a hundred and fifty years ahead of Hobbes. But he starts from the same point: Men are by nature imperfect creature, unsociable and untrustworthy, cursed by a love of glory, of possession, and of power, passions which make happiness something for ever unattainable by them. Hobbes is content to leave them here with their imperfections, and let a strong government help them out as it may. But not so Kant. He looks beyond the individual, developing slowly by stages scarcely measurable, progressing at one moment, and the next, as it seems, falling behind. The capacities implanted in man by nature are not for evil: they are "destined to unfold themselves completely in the course of time, and in accordance with the end to which they are adopted."<sup>11</sup>

-----10. Thomas Hobbes, On Liberty; Ch.I, 15.

-----11. Immanuel Kant; Idea of a Universal History from Cosmopolitan Point of View (1784, K.G.S. VIII. Ted Humphrey) Prop I, pp. 93-105.

This end of the humanity is the evolution of man from the stage of mere self-satisfied animalism to a high state of civilization. Through his own reason man is to attain a perfect culture, intellectual and moral. In this long period of struggle, the potential faculties providence has bestowed upon him reach their full development. The process in which this evolution takes place is what we call history.

Nature has given none of the perfect animal equipments for self-preservation and self-defence which she has bestowed on others of her creatures. But she has given to him reason and freedom of will, and has determined that through these faculties and without the aid of instinct he shall win for himself a complete development of his capacities and natural endowments. It is no happy life that nature has marked out for man. He is filled with desires which he can never satisfy. His life is one of endeavor and not of attainment: not even the consciousness of the wellfought battle is his, for the struggle is more or less an unconscious one, the end unseen: only in the race, and not in the individual, can the natural capacities of the human species reach full development. "Reason does not itself work by instinct, but requires experiments, exercise and instruction in order to advance gradually from one stage of insight to another. Hence, each individual man would necessarily have to live an enormous length of time, in order to learn by himself how

to make a complete use of all his natural endowments. Or, if nature should have given him but a short lease of life, reason would then require an almost interminable series of generations, the one handing down its enlightenment to the other, in order that the seeds she has sown in our species may be brought at last to a stage of development which is in perfect accordance with her design". 12

The means which nature employs to bring about this development of all the capacities implanted in men is their mutual antagonism in society- "unsocial sociableness of men, that is to say, their inclination to enter in to society, an inclination which yet is bound up at every point with a resistance which threatens continually to break up the society so formed." 13.

Man hates society, and yet there alone he can develop his capacities; he cannot live there peaceably, and yet can not live without it. It is the resistance which others offer to his inclinations and will-which he, on his part, shows likewise to the desires of others- that awakens all the latent powers of his nature and the determination to conquer his natural propensity to indolence and love of material comfort and to struggle for the first place among his fellow creatures, to satisfy, in outstripping them,

-----12. Ibid, Prop. 2

-----13. Ibid, Prop. 14.

his love of glory and possession and power. "Without those, in themselves by no means lovely, qualities which man set in social opposition to man, so that each finds his selfish claims resisted by the selfishness of all the others, men would have lived on in an Arcadian Shepherd life, in perfect harmony, contentment, and mutual love; but all their talents would forever have remained hidden and undeveloped. Thanks to the nature for unsociableness, without which, all the excellent natural capacities of humanity would have slumbered undeveloped. Man's will is for harmony; but nature knows better what is good for his species: her will is for dissention. He would like a life of comfort and satisfaction, but nature wills that he should be dragged out of idleness and inactive content and plunged into labour and trouble, in order that he may be made to seek in his own prudence for the means of again delivering himself from them. The natural impulses which prompt this effort are also in turn the spurs which drive him to the development of his powers. Thus they really betray the providence of a Wise Creator, and not the interference of some evil spirit has meddled with world which God has nobly planned, and enviously overturned its order." 14

-----14. Caird; The Critical Philosophy of Kant; Vol. II., pp. 550-551

The problem now arises, how shall men live together, each free to work out his own development, without at the same time interfering with a like liberty on the part of his neighbour? The solution of this problem is the state. Here the liberty of each member is guaranteed and its limits strictly defined. A perfectly just civil constitution, administered according to the principles of right, would be that under which the greatest possible amount of liberty is left to each citizen within these limits. This is the ideal of Kant, and here lies the greatest practical problem which has presented itself to humanity. An ideal of this kind is difficult of realisation. But nature imposes no such duty upon. "Out of such crooked material as man is made, nothing can be hammered quite straight".<sup>15</sup>

The direct cause of this transition from a state of nature and conditions of unlimited freedom to civil society with its coercive and restraining forces is found in the evils of that state of nature as they are pointed by Hobbes. A wild lawless freedom becomes impossible for man: he is compelled to seek the protection of a civil society. He lives in uncertainty and insecurity: his liberty is so worthless that he cannot peacefully enjoy it. For this

-----15. Immanuel Kant; Idea of a Universal History from a Cosmopolitan Point of View, (1784, K.G.S VIII). Ted Humphery Prop.6.

peace he voluntarily yields up some part of his independence. The establishment of the state is in the interest of his development to a higher civilization. It is more- the guarantee of his existence and self-preservation. This is the sense, says, Professor Paulsen, in which Kant like Hobbes regards the state as "resting on the contract", that is to say, on the free will of all. "We must remember that this contract is not a historical fact, as it seemed to some writers of eighteenth century, but an "idea of reason": we are speaking here not of the history of the establishment of the state, but of the reason of its existence".<sup>16</sup>

In this civil union, self-sought, yet sought reluctantly, man is able to turn his most unlovable qualities to a profitable use. They bind this society together. They are the instrument by which he wins for himself selfculture. Culture, art and all that is best in the social order are the fruits of that self-loving unsociableness in man.

The problem of the establishment of a perfect civil constitution cannot be solved, until the external relations of states are regulated in accordance with principles of right. For, even if the ideal internal constitution were attained, what end would it serve in the

-----16. Friedrich Paulsen; Immanuel Kant: His Life and Doctrine, (2nd ed. 1899,) Trans. J.E.Creighton and Albert Lefevre. New York: Ungar, 1963. p., 118

evolution of humanity, if commonwealths themselves were to remain like individuals in a state of nature, each existing in uncontrolled freedom, a law unto itself? This condition again cannot be permanent. Nature uses the same means as before to bring about a state of law and order. War, present or near at hand, the strain of constant preparation for a possible future campaign or the heavy burden of debt and devastation left by the last, -these are the evils which must drive states to leave a lawless savage state of nature, hostile to man's inward development, and seek in union the end of nature, peace. All wars are the attempts nature makes to bring about new political relations between nations, relations which, in their very nature, cannot be, and are not desired to be, permanent. These combinations will go on succeeding each other, until at last a federation of all powers is formed for the establishment of perpetual peace. This is the end of humanity, demanded by reason. Justice will reign, not only in the state, but in the whole human race when perpetual peace exists between the nations of the world.

This is the point of view of the idea for a Universal History from a Cosmopolitan Point of View, a major treatise written by Immanuel Kant in 1784. But equally, we may say, law and justice will reign between nations, when a legally and morally perfect constitution adorns the state. External perpetual peace pre-supposes internal peace-civil, social, economic, religious. Now when men are perfect- and what would this be but perfection how can



there be war? Cardinal Fleury's only objection to St. Pierre's project was that, as even most peace-loving could not avoid war, all men must first be men of noble character. This seems to be what is required in the treatise on Perpetual Peace. Kant demands, to a certain extent, the moral regeneration of man. There must be perfect honesty in international dealings, good faith in the interpretation and fulfillment of treaties and so on: and again every state must have a republican constitution - a term by which Kant understands a constitution as nearly as possible in accordance with the spirit of right. This is to say that we have to start our reformation at home, look first to the culture and education and morals of our citizens, then to our foreign relations. This is a question of self-interest as well as of ethics. On the civil and religious liberty of a state depends its commercial success. Kant saw the day coming, when industrial superiority was to be identified with political pre-eminence. The state which does not look to the enlightenment and liberty of its subjects must fail in the race. But the advantages of a high state of civilization are not all negative. The more highly developed the individuals who form a state, the more highly developed is its consciousness of its obligation to other nations. In the ignorance and barbarism of races lies the great obstacle to a reign of law among states. Uncivilized states cannot be conceived as members of a federation of Europe.

First, the perfect civil constitution according to right;

Secondly, the federation of these law-abiding Powers.

This is the path which reason marks out. The treatise on Perpetual Peace seems to be in this respect more practical than the Idea for a Universal History from a Cosmopolitan Point of View. The point of view is the same in both cases: the end remains the development of man towards good, the order of his steps in this direction is indifferent.

#### THE CONDITIONS OF THE REALISATION OF THE KANTIAN IDEAL:

There are two kinds of means through which, the realisation of Kantian ideal is possible. These possible means are meaningfully classified as :

(a) negative conditions ; and

(b) positive conditions

These negative and positive conditions Kant calls Preliminary and Definitive Articles respectively. The whole essay is carefully thrown into the form of a treaty.

The Preliminary Articles of a treaty for perpetual peace are based on the principle that anything that hinders or threatens the peaceful coexistence of nations must be abolished. These conditions have been classified

by Kuno Fischer\*. Kant, he points out, examines the principles of right governing the different sets of circumstances in which nations find themselves - namely,

- (a) while they are actually at war;
- (b) when the time comes to conclude a treaty of peace ;
- (c) when they are living in a state of peace .

The six Preliminary Articles fall naturally into these groups. They are as follows :

Article 1 : the treaty which brings hostilities to an end must be concluded in an honest desire of peace.

Article 2 : nor can states be inherited or conquered, or, in any way treated in a manner subversive of their independence and sovereignty as individuals. For a similar reason, armed troops cannot be hired and sold as things .

Article 3 : a nation, when in a state of peace, must do nothing to threaten the political independence of another nation or endanger its existence, thereby giving the strongest of all motives for a fresh war . A nation may commit this injury in two ways :

- (a) indirectly , by causing danger to others through the growth of its standing army- always a menace to the state of peace - or by any unusual war preparations : and

\* Geschichte der noucron Philosophie, (4th ed., 1899), Vol. V., 1 Ch. 12, p.168.

(b) through too great a supremacy of another kind, by amassing money, the most powerful of all weapons in warfare .

Article 4 : the national debt is another standing danger to peaceful coexistence of nations. But, besides, we have the danger of actual attack. There is no right of intervention between nations.

Article 5 : nor can states be inherited or conquered.

Article 6 : war must not be conducted in such a manner as to increase national hatred and embitter a future peace .

There are, besides, three positive conditions :

- (1) The intercourse of nations is to be confined to a right of hospitality. The right to free means of international communication has in the last two hundred years become a commonplace of law. And the change has been brought about, as Kant anticipated, not through an abstract respect for the idea of right, but through the pressure of purely commercial interests. Since Kant's time the nations of Europe have all been more or less transformed from agricultural to commercial states whose interests run mainly in the same direction, whose existence and development depend necessarily upon "conditions of universal hospitality ". Commerce depends upon

this freedom of international intercourse, and on commerce depends our hope of peace.

- (2) The first Definitive Article requires that the constitution of every state should be republican . What Kant understands by this term is that , in the state , law should rule above force and that its constitution should be a representative one , guaranteeing public justice and based on the freedom and equality of its members and their mutual dependence on a common legislature. Kant's demand is independent of the form of government. A constitutional monarchy like that of Prussia in the time of Frederick the Great, who regarded himself as the first servant of the state and ruled with the wisdom and forethought which the nation would have had the right to demand from such an one- such a monarchy is not in contradiction to the idea of a true republic. That the state should have a constitution in accordance with the principles of right is the essential point. To make this possible, the law giving power must lie with the representatives of the people; there must be a complete separation, such as Locke and Rousseau demanded, between the legislature and executive. Otherwise we have despotism. Hence, while Kant admitted absolutism under certain conditions, he rejected democracy where, in his opinion , the mass of the people was despotic.

An internal constitution, firmly established on the principles of right, would not only serve to kill the seeds of national hatred and diminish the likelihood of a foreign war. It would do more: it would destroy sources of revolution and discontent within the state. Kant, like many authors on this subject, does not directly allude to war and the means by which it may be prevented or abolished. Actually to achieve this would be impossible: it is beyond the power of either arbitration or disarmament. But in a representative government and in the liberty of a people lie the greatest safeguards against internal discontent. Civil peace and international peace must, to a certain extent go hand in hand.

- (3) The law of nations must be based upon a federation of free states. This must be regarded as the end to which mankind is advancing. The problem here is not out of many nations to make one. This would perhaps be the surest way to attain peace, but it is scarcely practical, and, in certain forms, it is undesirable. Kant is inclined to approve of the separation of nations by language and religion, by historical and social traditions and physical boundaries: nature seems to condemn the idea of a universal monarchy. The only footing on which a thorough going, indubitable system of international

law is in practice possible is that of the society of nations: not the world republic the Greeks dreamt of, but a federation of states " highest political good ". The relation of the federated states to one another and to the whole world be fixed by cosmopolitan law : the link of self-interest which would bind them would again be the spirit of commerce .

This scheme of a perpetual peace had not escaped ridicule in the eighteenth century : the name of Kant protected it henceforth. The facts of history show how great has been the progress of this idea. However, there have been and are still, men who regard perpetual peace as a state of things as undesirable as it is unattainable. For such persons, war is a necessity of our civilisation : it is impossible that it should ever cease to exist. All that we can do, and there is no harm, nor any contradiction in such an attempt, is to make wars shorter, fewer and more humane: the whole question beyond this, is without practical significance. Others, and these perhaps more thoughtful - regard war as hostile to culture , an evil of the worst kind, although a necessary evil. In peace, for them, lies the true ideal of humanity. The extreme forms of these views are to be sought in what has been called in Germany "the philosophy of barracks " which comes forward with a glorification of war for

its own sake, and in the attitude of modern peace societies which denounce all war wholesale, without respect of causes or conditions.

HEGEL, SCHILLER AND MOLTKE

Hegel, the greatest of the champions of war, would have nothing to do with Kant's federation of nations formed in the interests of peace. The welfare of a state, he held, is its own highest law, and he refused to admit that this welfare was to be sought in an international peace. Hegel lived in an age when all power and order seemed to be with the sword. Something of the charm of Napoleonism seems to have hung over him. He does not go to the length of writers like Joseph de Maistre, who see in war the finger of God or an arrangement for the survival of the fittest. But like Schiller and Moltke, Hegel sees in war an educative instrument, developing virtues in a nation which could not be developed otherwise and drawing the nation together, making each citizen conscious of his citizenship, as no other influence can. It burries causes of inner dissention, and consolidates the internal power of the state. No other trial can, in the same way, show what is the real strength and weakness of a nation, what it is, not merely materially, but physically, intellectually and morally.



In peace, says Hegel, mankind would grow effeminate and degenerate in luxury. This opinion was expressed in forcible language in his own time by Schiller, and later by Count Moltke. Moltke strangely enough was, at an earlier period, of the opinion that war, even when it is successful, is a national misfortune. "Perpetual peace is a dream and not a beautiful dream either: war is a part of the divine order of the world. During war are developed the noblest virtues which belong to man- courage and selfdenial, fidelity to duty and the spirit of self-sacrifice: risk his life. Want and misery, disease suffering and war are all, given elements in the Divine order of the universe."17.

Without war the world would sink in materialism. Moltke's eulogy of war, however, is somewhat modified by his additional statement that "the greatest kindness in war lies in its being quickly ended" (Letter to Bluntschli, 11 Dec., 1880.)

The great forces which war, if too quickly over, could have the great moral influence which has been attributed to it. Hegel, Moltke, Trendelenburg, Teitschke and others

-----17. Letter to Bluntschli, dated Berlin, 11 Dec., 1880 (published in Bluntschli's Gesammelte Kleine Schriften, Vol. II., p.271.)

were apt to forget that war is as efficient a school for forming vices as virtues; and that moreover, those virtues which military life is said to cultivate.

#### WAR UNDER ALTERED CONDITIONS

The Peace Societies of our century untiring supporters of a point of view diametrically opposite to that of Hegel, owe their existence in the first place to new ideas on the subject of the relative advantages and disadvantages of war, which again were partly due to changes in the character of war itself, partly to a new theory that the warfare of future should be a war of free competition for industrial interests, or, in Herbert Spencer's language, that the warlike type of mankind should make room for an industrial type. This theory, amounting in the minds of some thinkers to a fervid conviction, and itself, in a sense, the source of what has been contemptuously styled British "shopkeeper's policy" in Europe, was based on something more solid than mere enthusiasm.

The years of peace which followed the downfall of Napoleon had brought immense increase in the material wealth to countries like Britain and France. Something of the glamour had fallen away from the sword of the great Emperor. The illusive excitement of a desire for conquest had died: the glory of war had faded with it, but the burden still remained its cost was still there, something to be calmly reckoned up and not soon to be forgotten.

Europe was seen to be actually moving towards ruin. "We shall have to get rid of war in all civilised countries", said Louis Philippe in 1843. "Soon no nation will be able to afford it".

War was not only becoming more costly. New conditions had altered it in other directions. With the development of technical science and its application to the perfecting of method and instruments of destruction every new war was found to be bloodier than the last; and the day seemed to be insight, when this very development would make war (with instruments of extermination) impossible altogether. The romance and picturesqueness with which it was invested in the days of hand-to-hand combat was gone. But, above all, war was now waged for questions fewer and more important than in the time of Kant. Napoleon's successful appeal to masses had suggested to Prussia the idea of consciously nationalising the army.

In the two hundred years since Kant's death, much that he prophesied has come to pass, although sometimes by different paths than he anticipated. The strides made in recent years by commerce and the growing power of the people in every state have had much of the influence which he foretold. There was a greater reluctance to wage war. "The progress of democracy and the nationalisation of war have not worked merely in the direction towards peace. War has now become popular for the first time. The progress of democracy in states has not only done away with war, but has greatly changed the feeling of people

towards it. With the universal military service, introduced by Revolution, war had become the people's affair and popular, as it could be in the case of dynastic wars carried on with mercenary troops"18. In the people the love of peace is strong but so too is the love of a fight, the love of victory.

It is in the contemplation of facts and conflicting tendencies like these that Peace Societies have been formed. The peace party is an eclectic body: It embraces many different sections of political opinion. The members of this party agree in rejecting the principle of intervention, in demanding a total global disarmament and in requiring that all disputes between nations should be settled by means of arbitration.

Therefore, it is amply clear, that the twin issues of total global disarmament and arbitration, if pursued sincerely by nations, may help solve a number of vexing international problems, create an air of mutual understanding and pave the way for the establishment of a perpetual global peace.

-----18. Friedrich, Paulsen; Immanuel Kant: His Life and Doctrine, 2nd ed. 1899, Trans J.E.Creighton and Albert Lefevre, New York: Ungar, 1963, p.p. 364.

**CHAPTER -III**  
**LEGACY OF IMMANUEL KANT**

The connections between Kant's political and ethical philosophies are obvious enough. A transformed interpretation of Rousseau's political principle of self-legislation is the foundation of both Kant's political and moral philosophies. Far more important is how the two so mirror each other both in vocabulary and in structure that it can be argued that Kant's ethics is as much a political as a moral theory.

The moral law appears as the political Principle of Right, and like the moral law, civil law is also by its very nature coercive. Although legitimate political coercion involves external coercion rather than the self-restraint of moral virtue, its legitimacy still rests finally on self-constraint, on our recognition of the rights and dignity of all persons- a moral foundation- and entails that the laws of a nation must be just in the sense of protecting the greatest possible freedom for everyone. Just as the Categorical Imperative is the impersonal norm for the maxims of individuals, the Principle of Right also requires that the laws of a state be impersonal and be applied even-handedly to everyone, without distinctions between classes based on differences in position or wealth.

One of the best ways in which to understand the Categorical Imperative is to think of it as the antithesis of tyranny. Tyrants use other people as their property, merely as things for their own private purposes, and have

no respect for the rights or intrinsic worth of their subjects nor for their individual pursuit of happiness. By contrast, the Law of Autonomy forbids us to use anyone in such a fashion; we may not even use ourselves merely as a means to satisfying our desires. But within this limitation moral reason recognises that each person has legitimate right to be concerned about and pursue his or her own happiness, and that each person's pursuit of happiness therefore is to be protected in so far as it does not deny anyone else's right to do so as well. Like the moral law, civil law functions mainly as a negation, limiting our actions by the right of others. Civil laws should be enforced only to defend the primacy of lawfulness over lawlessness, not to promote any particular individual's or group's best prudential interests. Clearly Kant's political philosophy belongs at the centre of this moral philosophy, just as his moral philosophy provides the centre for his entire critical enterprise.

Clearly, for Kant, political life is a prudential and an instrumental good. People commonly assent to the civil constitution, as they assent to other social unions, in order to attain what they want the security to pursue such goods as associations with others, possessions, power, and recognition. A life in which we act justly in our external relations with others is possible only within a civil society. Such a life is both a means to and a necessary condition for human moral life.

Moreover a just state, a world federation and lasting peace are all part of the moral end of humankind on earth, the kingdom of ends. We can and should therefore regard civic life as an integral part of human moral life.

#### THE GENESIS OF THE STATE.

Kant's account of the origin of the state out of the universal and mutual antagonism and hostility at least initially seems very similar to Thomas Hobbes's account in Leviathan. As Hobbes had described it, the state of nature forces people to live in a constant state of war, because everyone must presume that everyone else is at least a potential enemy. In such a lawless situation, even if those with greater power do not actually mistreat those with less, even if sheer force does not always determine what is "just", there are still neither rights nor justice in a juridical sense, for there is no impartial and effective tribunal competent to judge differences and conflicts between the people and to enforce what is right. What determines what is "right" is only individual's prudential estimate which does not require him to wait until others attack him before he attacks them. In such a condition, therefore, people tend to provoke each other to act unjustly. Rousseau was badly mistaken in thinking of such a state of nature as an innocent paradise. Rather, it



is. "in the highest degree wrong".1.

"When the decision finally is made to enter in to a social contract for a civil society, it is motivated by fear, particularly fear of future and even worse conflicts".2.

Egoistically motivated individuals, "even a population of devils," need only be intelligent enough to recognise finally that it is in their best interest to agree, however reluctantly, to limit their own freedom by entering into a civil union with laws that will protect them and there by help them achieve their goals. "Thanks to nature even though the original motive for agreeing to the formation of the state is selfishness- the source of all moral evil- the human species can and does there by make progress toward moral autonomy and harmony".3.

Neither Hobbes nor Kant intended that this now familiar notion of an original contract should be taken as a historical account of the origin of the state. But Hobbes had thought that, since people enter a state out of their

-----1. Religion With in The Limits of Reason Alone (1793, KGSVI), Theodore M. Greene and Hoyt H. Hudson, New York: Harper and Row, 1960., p.98.

-----2 Perpetual Peace: A Philosophic Sketch (1795, K.G.S VIII), Ted Humphrey, Immanuel Kant: Perpetual Peace and Other Essays; pp., 364-71.

-----3. Ibid., p.p. 366-67.

desire for self-preservation and to promote their own advantage, the best state needs to be a leviathan, a powerfully authoritarian government. Against Hobbes, Kant argues that the "rational idea of a juridical association of men under public laws in general cannot be justified solely by prudential considerations".<sup>4</sup>

He held that only an idea of reason can adequately ground the contractarian nature of a state and justify both the legitimacy of coercive public laws and the obligation of people to obey them.

That idea of reason must be the practical idea of freedom, although, for the political purposes, the idea is limited to the prohibition, according to a universal law, of external interference with others' pursuit of what they regard as good. Kant, therefore, concluded that the role of government should be limited to protecting the citizen's freedom.

Kant's most significant contribution to the development of classical liberal theory, therefore, is his claim that the justification of the state ultimately must rest on moral grounds, on the innate freedom of each person, and on the obligation of each to recognise and respect the

-----4. The Metaphysics of Morals (1797, KGS VI), John Ladd, The Metaphysical Elements of Justice., Indiana Polis: Bobbs-Merril, 1965., p., 355.

freedom of everyone else. According to the idea of social contract, "each person should elect to live in a juridical condition that can peacefully institutionalise the external exercise of human freedom by every one"<sup>5</sup>.

It is the moral law that makes the formal structure of the state something more than a more peaceful state of nature. The law, which in its third formula projects a civil form of the kingdom of ends as a moral idea, both justifies the state and defines the nature of a good state.

Kant does not think that the transition from a state of nature to a state of juridical freedom can be easy. It is not unusual for states to arise from acts of extreme violence, but there may well be no alternative in a previous state of nature. So Kant holds that the historical genesis of a particular state is irrelevant to the moral justification of its legal authority. Moreover, human nature being what it is, we cannot expect that moral motivation will lead people to form a civil society (or, later, to make them good citizens). "The first attempts will indeed be crude and usually will be attended a more painful and more dangerous state than that in which we are still under orders and also the care of others". Each person remains in "an ethical state of nature" and is an "irrational beast", still wanting everything to go his or her own way, never abandoning the tendency to live as if

-----5. Ibid., p.p. 89-97.

still in a state of nature, "always ready to break forth in hostility towards his neighbours"<sup>6</sup>.

At first, Kant writes, movements toward a just state tend only to produce despotism, with rulers- including religious rulers- who are no better than anyone else in this regard and probably worse. Kant anticipated the famous saying of the English Liberal, Lord Acton, when he wrote the "the possession of power inevitably corrupts the free judgement of reason". Typically rulers tend to be corrupt, to treat their subjects only as things, and to see the freedom of people only as danger to their own power. But this is not a reason for delaying the transition to a just civil state, for the only way in which people can learn to govern themselves is actually trying to do so. Justice is not served by putting off emancipation to some indefinite future.

How, Kant asks, can it be possible to build anything perfectly straight "from such crooked wood"? How can people bring about exactly "What they themselves are in need of"? <sup>7</sup>.

-----6. Anthropology from a pragmatic Point of View. (1798, KGS VII), Mary J.Gregor, The Hague: Nijhoff, 1974. p., 327

-----7. Ibid., p.325.

If we had to rely on people forming a just state from moral motives, he writes, the problem would be insoluble. People, especially those having the most power in a state, cannot be counted on to act morally right. They are too caught up in the "cultural vices" of pursuing their own desires at the cost of justice. Here again Kant's teleological principle comes to the rescue. Fortunately, the same selfishness and animosity that forced people originally to enter into a civil union will also lead them both to promote and to obey a just constitution, even though each person is still secretly inclined to exempt himself from the laws of that union. "An effective civil constitution will balance out the conflicts between private interests so that they will check one another, and every one will at least behave publicly just as if they had no evil attitudes"<sup>8</sup>.

The historical process within which these dynamics operate obviously cannot be smooth and gradual. Instead, "man is constantly deviating from his destiny and always returning to it". "At any given moment there always remains the threat of regression to revolutionary barbarism"<sup>9</sup>.

-----8. Perpetual Peace: A Philosophic Sketch (1795, KGS VIII). Ted Himphrey., Immanuel Kant: Perpetual Peace and Other Essays, p.366.

-----9. Anthropology from a Pragmatic Point of view (1798, KGS VII), Mary J. Gregor, The Hague: Nijhoff, 1974. p., 326.

But even if, as time goes on, individuals are not better morally than their ancestors, the human race as a species will still, if erratically, "make continual progress toward the better"<sup>10</sup>.

THE IDEAL STATE : A Republic.

Obviously not every political arrangement conforms to the idea of a kingdom of ends on earth. A morally acceptable political union must be based on the Principle of Right. Only a state conforming to the principle of classical liberalism can be fully acceptable to persons who view themselves as autonomous agents. "Only then there is an enduring constitution possible".<sup>11</sup>

A stable government also must be strong enough to allow its citizens the greatest freedom possible to develop and exercise their ability to think- and still protect the peace, both internally and externally. Kant believed that achieving such a state is at least as difficult as leaving the state of nature.

In the transition from the state of nature to a morally acceptable society, the most fundamental theoretical problem is how to arrange political power so as to protect the citizenry, in so far as possible, from misuse of power

-----10. Ibid., 325.

-----11. Perpetual Peace: A Philosophic Sketch (1795, KGS VIII), Ted Humphrey, Immanuel Kant: Perpetual Peace and other Essays, pp., 373-79.

by the state itself. Kant argues that such a protection can be secured best only when the functions of government are kept separate and when the legislative power rests with the people. A just government, therefore, should have three distinct branches, each independent and supreme in its own functions the legislative, the executive, and the judiciary.

The legislative power must be in the hands of a popularly elected assembly, for, Kant argued, if people are to be bound by civil law and yet retain their autonomy, they can be subject only to laws of their own willing. Freedom and equality therefore can flourish only within a state in which sovereign authority rests finally with the consent of the people, whose will must also guide the decisions of the chief-executive. Kant offers a specifically political conception of the moral, autonomous will-what he calls the general legislative will (Wille) of the people. He uses various expressions to designate this Idea of reason: the "distributive unity of the people", the "general will", the "collective will", and the "united will" of the people. But it is clear that what he refers to here as the ground for both political authority and obedience to it is not an empirical political consensus but the Law of Autonomy residing in the will of the people. "All right and justice is supposed to proceed from this authority", and because the Law of Autonomy is the ultimate norm for justice and for respect of persons, the

united will "can do absolutely no injustice to anyone".<sup>12</sup>

For legislation to enunciate the general will, it is not necessary that even if every one actually agrees to it. It could happen that a substantial percentage of the population dislikes the law. This by itself would not mean that such a law violates the general will. The Law of Autonomy is a prescriptive law, determining how people should agree if they all fulfilled that law. For a law to be just, therefore, it is only necessary that "it is possible that a people could agree to it" if they were to follow their reason rather than their desires. With regard to specifically difficult and complex decisions, "unanimity cannot be expected of an entire people" and perhaps not even a majority in the case of a direct vote by a large population. The general will of the people may come down to "a majority of those delegated as representatives of the people".

What will keep a representative government from degenerating into a democratic tyranny that ignores the rights of minorities is the requirement that both the executive and judicial branches be constitutionally insulated from direct popular pressures that could reintroduce arbitrary privileges on behalf of some individuals or groups.

-----12. Metaphysics of Morals (1797, KGS VI), John Ladd, The Metaphysical Elements of Justice, Indiana Polis: Bobbs-Merrill, 1965., p., 313.



So Kant concluded that the "one and only legitimate constitution," the one that best satisfies the requirements of autonomy, of universal law, and of respect for persons -imposed by the Categorical Imperative, is that of a republic, Little wonder, then, that he admired the representative constitutions already adopted on a secular foundation by the French Republic and, some ten years earlier, in 1787, in North America under the influence of Enlightenment thinkers such as Jefferson, Paine, and Franklin. Such governments rest on the free, rational consent of the people. "By minimizing tendencies toward despotism in a pure democracy, they are also best able to protect every one's freedom and maintain the peace."<sup>13</sup>.

#### PRINCIPLES OF A REPUBLICAN GOVERNMENT:

Civil laws are just and the civil rights of each person are properly respected, Kant believes, when those laws are based on three a priori principles of representative government. These principles enunciate Kant's classical liberalism. Again, his limited government political theory emphasises both political liberty and the contractual consent of citizens, regarded as free, equal, and autonomous individuals, and it restricts civil laws to either universal negative principles of justice or laws compatible with such principles.

-----13. The Conflict of Faculties (1798, KGS VII), Mary.J.Gregor, New York: Abaris, 1979. pp. 91-94.

The first principle concerns "the freedom of every member of society as a human being" to pursue happiness, each in his or her own way. This version of what is often called "the neutrality principle" follows from the primacy of moral over prudential interests : "No one can compel me (in accordance with his beliefs about the welfare of others) to be happy after his fashion; instead, every person may seek happiness in the way that seems best to him", as long as his doing so does not violate any one else's right to pursue happiness, "under a possible universal law". In Kant's interpretation, this principle, which is also a fundamental tenet of classical liberalism, is implicit in the first formula of the Categorical Imperative for which Kant now gives a new variation: "So act that you can will that your maxim could become a universal law, regardless of the end". 14. Kant represents what is right (not therefore what is just) as more fundamental than, and thus as defined independently of, the notion of the "good", that is, of any particular conception of social welfare or of individual self-realisation.

Kant excoriates any paternalistic model of government that would violate the freedom or dignity of its citizens

-----14. Perpetual Peace: A Philosophic Sketch (1795, KGS VIII), Ted Humphrey, Immanuel Kant: Perpetual Peace and Other Essays., p., 377.

by authoritarian edicts, telling them what they must believe about the meaning of life or how they will be happy. He also believes that "a welfare state would exacerbate the natural human tendencies to selfishness and sloth and, by doing so, encourage people to remain in a perpetual "tutelage"- the immoral unwillingness to develop one's own capabilities."15.

The second principle of a republican form of government mandates "the equality of each member with every other as a subject". It requires each person to recognise and protect the right, of every one to the external exercise of freedom compatible with the Principle of Right. By definition a law must be universal in form, and the principle of juridical equality requires that laws apply to everyone equally. Under this principle, each person has exactly the same rights as every other person.

The third and final principle of a republican government states that both the authority of the government and the legitimacy of its laws rest on the rational consent of the governed. This requires the recognition of "the independence of every member of the commonwealth as a citizen .....that is as a "co legislator" of the laws of the state.

-----15. The Metaphysics of Morals. (1797, KGS VI) John Ladd, the Metaphysical Elements of Justice., Indianapolis: Bobbs-Merill, 1965., p., 326.

Kant's analysis of the notion of the general will shows that it is an ideal that does not require the actual consent of every person. People are not entitled, for example, to engage in criminal conduct simply because they want to do so, nor do opinions based on ignorance or emotion deserve respect.

#### PERPETUAL PEACE AND A FEDERATION OF NATIONS.

Like his philosophical ancestors, the Stoics, Kant believed that moral reason "voices its irresistible veto: there should be no war". Perpetual international peace - the permanent cessation of warfare and not merely a temporary truce between wars should be our ultimate political goal on earth. However independent nations may try to be indifferent of one another, they also "cannot do without one another".

In his most famous political essay, Perpetual Peace, Kant describes individual states as "moral persons", with the same external rights and obligations as all other persons. He argues that in their external relations to one another, nations were all originally in a non-judicial and lawless state of nature, either actually at war or continually preparing for war. Such behaviour shows a fundamental disregard for the rule of law and morality, for, more than war itself, the "never ending and constantly arming for future war" prevents nations from attending to what is genuinely worth while.

Kant's proposal for a lasting peace closely follows an earlier proposal for a federation of European states made by the Abbe de St. Pierre in the latter's 1413 Project de paix perpetuelle. The Abbe's plan required enormous imagination at the time he presented his proposal for federated states and international peace. The only way to ensure international peace and security, he wrote and Kant echoed, is for nations to organise into a league of nations and agree to authorize that institution to arbitrate international disputes by means of a system of common international laws "established on a moral basis".

Nations, like individuals, will resist yielding their power to an international commonwealth. So Kant thinks it probable that Nature again will have to allow the devastation of war to continue until, out of sheer exhaustion and fear of even further destruction, nations will finally be willing to "give up their brutish freedom". There are, however, other prudential considerations that nature can use to promote peace. As international trade increases, nations will become increasingly dependent on one another. Moreover international competition will induce countries to promote the education of their citizens so they can compete more effectively with other nations.

With the growth of culture may emerge greater moral pressure for peace. Kant cannot resist the hope that moral reason may be able to play a larger role in preventing

wars. The idea of a lasting international peace, Kant writes, requires not only that individual governments eventually adopt a republican constitution, each promoting distributive justice, but also that the league of nations itself have republican constitution. But even under an international commonwealth, individual nations will still show the same competitiveness as do individual citizens within states. Therefore, such a league must have sufficient military power so that it can arbitrate conflicts by laws of justice rather than allowing open hostilities.

**CHAPTER - IV**

**CONCLUSION**

Immanuel Kant wrote his famous political treatise "Perpetual Peace" in 1795, a time, that was precariously dangerous as nations in Europe, in particular, were either at war or were constantly preparing for future wars. Peace had taken a back seat. Kant was aware of catastrophe war brings in its wake. He totally abhorred war and suggested ways and means to bring about an effective ceasefire to help facilitate the establishment of permanent international peace.

He found faults with standing armies, as they incite the adversary for waging war, and absence of a strong leadership to negotiate peace, if it becomes fragile. He also quoted standard duties of a monarch toward his subjects and stressed upon subjects to persuade their king or ruler not to go far war, until every alternative for peace had petered out. Kant opined that the growing commercial pacts among nations will go a long way in paving the way for guaranteeing peace in the future. He advocated the ideal of a federation of nations, republican in nature, as a strong link in the establishment of chain of peace and building up of a more humane and just world order based on the principles of right, freedom and equality. He stood for perpetual peace and an equitable international order through the mechanism of political dialogues and moral pressure for peace.

In recent times Mahatma Gandhi also grappled in his writings with the problem of violence and groped for a



non-violent world. It would be in respect to disclose his thinking and relate it to Kantian scheme of permanent peace and an enduring world federation for the future need of humanity. Kant and Mahatma Gandhi might have adopted different routes in their political analysis of their times, yet the destination they reach shares a lot of commonality between the two. It is, therefore, the commonality of ideas rather than difference of opinion which brings Kant and Gandhi on a single platform advocating a just and more humane international world order.

Mohandas Karamchand Gandhi (1869-1948) was not a systematic philosopher of the academic and speculative type in the field of metaphysics and political science. But certainly he had stressed some fundamental ideas for the regeneration of man and the reconstruction of society and politics and in this sense he can be regarded as a moral, social and political thinker. He was a prophet, teacher and leader but not a rational dialectician of the type of Kant. Instead, he is far more akin to Socrates, and St. Augustine pouring forth his deep feelings and results of his inner realization of truth.

Like Buddha and Socrates, Gandhi only stressed certain basic values and did not systematically elaborate, at an advanced intellectual level, the underlying philosophical assumptions and the sociological, political and economic implications of his theories. Gandhism only signifies the re-affirmation of the old spiritual truths sustained by

the concrete socio-political experiments and the intense subjective Sadhana of Gandhi himself. Gandhism is not a systematic well worked out political philosophy with explicitly and rationally classified theoretical assumptions and clearly drawn out social and political assumptions drawn therefrom. Nor does it claim to apply only logical procedures, statistical tools and scientific methods as the social positivists and empirical political theorists do.

Mahatma Gandhi was not primarily a theoretical analyst perfecting the methodological concepts and procedural technics for the behavioural study of the social and political situation and the governmental process. He was a man of action and leader who wielded considerable influence over men. He was a writer of force and power. His writings are characterized by fervour and lucidity and reveal the personality of a man of profound sincerity. Gandhi's greatness lay in his lofty character, his political and moral leadership, his inner intuitive experiences and his message of truth, non-violence and justice.

Although not a system builder in the academic sense of the term, Gandhi has expressed many ideas which are highly useful and relevant to the modern age. It is essential to study Gandhian thought by applying comparative method to its analysis. Gandhi's concepts and propositions may be discussed in the light of the advances in political and

juristic thought.

Gandhi's greatness as a leader and thinker lay in his transformation of the individualistic message of non-violence into a successful technic for direct mass action. Gandhi transformed it in to social and political technic as well. The supreme concept, according to him, which is necessary for the reformation of politics is non-violence.

Violence is a comprehensive category and is manifested both at the personal and the institutional levels. Evil thoughts, sentiments of revenge and brutality, verbal pugnacity, and even accumulation of unnecessary things represent examples of personal violence. Falsehood, trickery and intrigues are also forms of violence. Physical punishment, imprisonment, capital punishment and wars represent examples of violence committed by government. Economic exploitation and strangulation of others are also manifestations of violence. Even excess of emulation and competition can become species of violence. Non-violence is, hence, necessarily, equally comprehensive and represents the total neutralization of violence in all forms. All men, according to Gandhi, are children of God. Hence to slight a single human being is really to inflict injury upon the divine spirit in man and thus it amounts to an injury upon the whole world. "The Bible rightly taught that vengeance belonged to God." 1

-----1. Harijan, April 27, 1947.

The tyrannical group leaders and governments which are the repositories of violence are to be firmly resisted by the Satyagrahi, if they are to be proved in the wrong. Non-violence is only the replacement of retaliation and is no surrender to wickedness. But resistance does not imply hatred for the adversary. Gandhi holds that it is possible and advisable to resist a perverse system but "to resist and attack its author is tantamount to resisting and attacking on self." Hence non-violence is the attitude of harmlessness even to the wrongdoer. Gandhi goes a step further and says that it implies positive love even to the wrongdoer. But it does not mean rendering any help to the wrongdoer in the prolongation of his wrong.

Like Rousseau, Gandhi thinks that the growth of the military art and the display of the military livery by the soldiers is a sign of decadence and not of progress. The cult of armament and preparedness is an indirect testimony to the wide prevalence of fear, distrust and suspicion. Hence Gandhi wanted the freedom to preach non-violence as a "substitute" of war. He condemned "war as an absolute evil"<sup>2</sup>.

He would not accept even the plea of defensive war or a just war. He would have absolutely repudiated the notion

-----2. Article entitled "Moral Support" in the Harijan, August 18, 1940.

there is always some party which is guilty of initiating a war. It is not correct to state that war is mechanism of the devil or of uncontrollable forces. He wrote: "when two nations are fighting, the duty of a votary of Ahimsa is to stop the war." Leo Tolstoy also recognized the clamouring contradiction between the profession of Christianity and the simultaneous acknowledgment of the necessity of armaments for national security. Gandhi taught the "absoluteness of peace and had even visualized universal disarmament". 3.

His Ahimsa provides an ultimate vision of universal fraternity and he hoped that in world politics there would be the increasing resort to consultation and arbitration in place of armed conflicts.

Although opposed to militarism, power politics, violence and imperialistic vandalism, Gandhi was not a believer in peace at any price. He said he did not want peace of the grave. Peace is not to be equated with feebleness, inertia and exhaustion. An individual or a nation can only want peace with honour. Peace does not mean appeasement of the aggressor in his imperialistic ventures. Gandhi's comment on the Munich pact of 1938, as being a settlement for "peace without honour", is significant. A genuine peace must be founded on the rectification of the forces that threaten peace. Hence it must accept the conception of justice as the apportionment

of due claims and rights and is thoroughly antithetical to the imposition of the will of the aggressor on the weak.

But on the other hand, the Gandhian theory of peace did not mean the elimination of the antagonist. Resistance has to be offered to the oppression but for the wrongdoer there has to be no hatred. A comprehensive theory of Ahimsa ultimately postulates positive love even for the opponent. Gandhi even pleaded for the cultivation of good feelings towards the opponents. Thus the best way is the "conversion" of the opponent. The basis of Gandhian thought consists in stressing the persistent, overpowering and resolute power of love as a significant factor which can solve group and national tensions and antagonisms through non-constrained conversion.

Gandhi's thoughts and actions flowed from his principle of satyagraha. In so far as it means abiding in truth or holding on to truth, it is a much wider concept than near passive resistance. In fact it ceases to be just a means to an end; the end of a humanity activity is already implicit as "truth" in satyagraha, and the means to be adopted to arrive at the truth are to be such as facilitate reaching the required goal.

It is not easy to define the concept of truth as propounded by Gandhi. He believed truth to be an absolute value, was aware that no human can claim to have an absolute knowledge of it. Truth is subjective as it varies from experiences of individuals. Not being able to know

unmistakably the whole truth is not a cause for inaction, however, as moral beings, we must according to our insights to the possibility of encountering fuller or higher truth. One may say that with Gandhi, the moral imperative was the only "absolute", Kant had visualised the possibility of "universalising" the categorical imperative, but Gandhi was more aware of the relativity of the truth perceptions, and confined himself to the absolute, and universal need to act morally. Hence means became more important than ends, and thus the importance of non-violent action. One may say that it is a Gandhian dictum that we are morally obliged to resist evil. More specifically we are morally obliged to resist social and political injustice; we believe we are in the right, but there is always a possibility that we may not see the whole truth, that the oppressor whom we are resisting may be partially or wholly in the right. Thus it becomes imperative to keep up a dialogue with him, a moral dialogue, pointing out to him his injustices and willing always to listen to his views as well. It is often said that a satyagrahi aims at arriving not so much at a victory, as at a settlement. In this context then, non-violent means are much to be preferred to violent ones.

"Many Western scholars today, who are aware of injustice in the world order and its incipient threat to world peace, take interest in the Gandhian mode of non-violent conflict as a means of establishing justice and

In a note addressed to Maurice Frydman on 28th July, 1942. Gandhi had asserted his faith in a federally organised world-state.

"I have your letters. You still misunderstand me. I told you that I was at one with you and that I was trying to take the congress and every body towards world federation. I told you that, if it ever comes, it will come through Sevagram or Sevagram way. I want free India, too, for that purpose. If I can get freedom for India through non-violent means, power of non-violence is firmly established, empire idea dissolves and the world state takes its place in which all the states of the world are free and equal, no state has its military. There may be a world police to keep order in absence of universal belief in non-violence".

On July 4, 1947, at a prayer speech Gandhi visualised that "if by India's effort such a world federation of free and independent states was brought into being, the hope of the kingdom of God might legitimately be entertained."<sup>6</sup>

He agreed that the "only condition for the survival of world civilisation was the realisation of world union under one central governing body composed of representatives of the constituent entities. Most likely, Gandhi had in his mind "the federal pattern for this

-----6. D.G.Tendulkar, Mahatma, Volume VIII.,  
(Government of India Publications, January, 1946), pp 40.



more egalitarian system". 4

GANDHIAN IDEAL OF WORLD FEDERATION:

Gandhi, like a political Utopian, visualised a plan of human unity to be realised by the federal organisation of friendly interdependent states. He had a great devotion to the noble goal of international co-operation and universal harmony, because, according to him, not to believe in the possibility of "permanent peace" amounts to disbelief in the "goodliness of human nature". Hence he wanted that permanent peace should be secured. He also pleaded for world order and world federation. He wrote:

" Isolated independence is not the goal of the world states. It is voluntary interdependence. The better mind of the world desires today not absolutely independent states warring one against another, but a federation of friendly interdependent states. The consummation of that event may be far off. I want to make no grand claim for our country. But I see nothing grand or impossible about expressing our readiness of universal interdependence rather than independence. I desire the ability to be totally independent without asserting the independence"5.

-----4. John Bondurant, Conquest of Violence, (Princeton 1958), p.,195.

-----5. Quoted in D.G.Tendulkar et al (ed.), Gandhi, (Bombay, Karnatak Publishing House, 1944), p.386.

central governing body"7.

Gandhi would like the "world government to non-cooperate with lawless, aggressive and recalcitrant forces. But the world police force may be necessary in the beginning. This police force, under the control of the world authority, would exercise its powers only as the last sanction when moral and non-violent sanctions had ceased to have effect".8.

Thus it is clear that absolute unadulterated pacifism is not the Gandhian gospel for the contemporary world.

For years the conflicts in Middle East and South-Africa have amounted to terrible local dragons in their own right, with histories of deep hatred and the potential to erupt in to wider violence- even, in the case of Middle East, into nuclear war. These struggles were not ideological as the stand off between the super powers. South-Africa and Middle East worked at a nastier level. They had, over the years, arrived at stalemate, a no-exit of chronic hatred. The struggles (whether to liberate one's own people, or to suppress the dangerous other tribe, or simply to survive in moral airlessness) became prisons. Finally as a result Middle-East experienced a

-----7. M.K.Gandhi, Harijan, June 8, 1947, (Sarvodaya, p.76).

-----8. George Catlin, In the Path of Mahatma Gandhi, (London, Macdonald and Co, 1940), pp. 307-08.

heavy burden of catastrophic warfare and South-Africa, a great deal of inter-ethnic violence and killings.

Peace-making like war making depends upon exquisitely balanced, mysterious and usually unpredictable combinations of context, timing, luck, leadership, mood, personal needs, outside help and spending money- all of these factors swirling around in a circular motion. Certainly one of the forces behind peace in both the Middle East and South Africa was what one observer called, "a biological compulsion" in all four men to reach a settlement. "Mandela, De Klerk, Rabin and Arafat were aware that they did not have much time left", says William Quandt, who was at the National Security Council during the 1978 Camp David negotiations. "And if they waited, history would write about them as people who had missed a chance to end their careers with a capstone achievement". Immanuel Kant was also of the view that the true leadership lies in encashing on the chances to establish peace, no matter where they lie and when they come up.

War is a profound habit- and sometimes a necessity. When Neville Chamberlain declared "peace for our time" after Munich, he gave peace-makers a reputation for fatuous optimism and appeasement from which it took them years to recover. Philosophers of war since Hiroshima have taught, hopefully, that the nuclear threat has made armed conflict ultimately untenable as a Clausewitzian instrument useful in settling disputes. But not everyone

has absorbed the lesson. Among other things, war has an archetypal prestige and bristling drama with which peace has trouble competing. War is rich and vivid, with its traditions, its military academies, its ancient regiments and herostories, its Iliads, its flash. Peace is not exciting. Its accountments are, almost by definition, unremarkable if they work well. It is a rare society that tells exemplary stories of peacemaking without much effect on daily behaviour. Kant said that even a race of devils, provided they were intelligent, would be forced to find a solution other than war for their disputes. "Nature", Kant thought, "guarantees the final establishment of peace through the mechanism of human inclination.

It is now 200 years since "Perpetual Peace", was presented to the warring factions of Europe riddled with the agonies of feudal system and conflicts; the practical and contemporary relevance of it is yet unimpaired. History has always provided a chance for leaders and people to test the fruits of peaceful co-existence and enhanced level of co-operation and understanding for mutual benefit. Japanese, after Hiroshima bombing, willingly emulated a great lesson in accepting the no war, no arms provision of the constitution of Japan enshrined in article 9, is the best example for the world to follow today, reads as:

"Aspiring sincerely to an international peace based on justice and order the Japanese people forever rennin war

as the sovereign right of the nation and the threat or use of force as a means of settling international disputes".

This provision of Japanese constitution has till now been adhered to, in letter and spirit by them.

The burden of establishing peace depends, to a large extent, on leaders opined Immanuel Kant, leaders must bring followers of peace along. They must tell their people about the benefits of peace and futility of war and conflicts to replace their older myth of struggle and make it plausible. The provisions of the "Perpetual Peace", still hold its validity today more than ever before, to the settlement of conflicts both conventional and nuclear, and reinstating peace in its due place toward a better conflict management and establishment of a just global order. Peace is a way of reimagining the world. Peace must actually be made before people will embrace the idea.

The overall theme contained in "Perpetual Peace", cessation of war and perpetual international peace through the commercial and natural mechanisms are of enduring importance in today's context. Kant shared a lot on the complex issues of war and peace and international federation with Mahatma Gandhi. They both believed in a just world order based on the principles of right, justice and peaceful living. It is now-a-days suggested that economic interdependence and developing polities may stop long cycles of war and bring a long spell of peace. Kant's insights are of enduring importance because they are based

on deep philosophical probings of human mind.

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